



AGENDA
TOWN OF PARACHUTE
REGULAR PLANNING COMMISSION MEETING
222 GRAND VALLEY WAY, PARACHUTE, CO 81635
APRIL 8, 2021 6:30 PM

The Town of Parachute will make reasonable accommodations for access to Town services, programs, and activities and will make special communication arrangements for persons with disabilities. Please call (970) 285-7630, x-104 for assistance.

(A) ROLL CALL

(B) PLEDGE OF ALLEGIANCE

(C) APPROVAL OF AGENDA

(D) CONSIDERATION OF MINUTES IF REGULAR MEETING OF JANUARY 14, 2021

(E) PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

The Planning Commission welcomes and thanks you for your time and concerns. If you wish to address the Planning Commission, this is the time set on the agenda for you to do so. When you are recognized, please step to the podium, state your name and address then address the Commission. Your comments will be limited to three (3) minutes. The Commission may not respond to your comments this evening, rather they may take your comments and suggestions under advisement and provide direction to the appropriate member of Town Staff for follow-up. Thank you.

PLEASE SILENCE ALL CELL PHONES, PAGERS, AND HANDHELD DEVICES. THANK YOU.
PLEASE NOTE THIS MEETING IS BEING AUDIO RECORDED

(F) PUBLIC MEETINGS

F1 PUBLIC MEETING BEFORE THE PLANNING COMMISSION TO CONSIDER A LAND USE APPLICATION TO ZONE POTENTIAL ANNEXATION PROPERTIES DESCRIBED AS GARFIELD COUNTY PARCEL NUMBERS 240911100153, 240912200009 & 240912200010, AS LIGHT INDUSTRIAL (LI)

APPLICANT/OWNER: SARAH DEL & HOWARD ORONA
929 COUNTY RD 215, PARACHUTE, CO 81635
IVO E & BETTY J LINDAUER
IVO E & BETTY J LINDAUER JOINT REVOCABLE TRUST
269 LODGEPOLE CIRCLE, PARACHUTE, CO 81635

PROJECT NAME: LINDAUER/ORONA ANNEXATION

PROJECT LOCATION: 929 COUNTY RD 215, PARACHUTE, CO 81635
GARFIELD COUNTY PARCEL NUMBER 240911100153
GARFIELD COUNTY PARCEL NUMBER 240912200009
GARFIELD COUNTY PARCEL NUMBER 240912200010

STAFF: JESSICA PAUGH, COMMUNITY DEVELOPMENT DIRECTOR

PLANNING COMMISSION CONSIDERATION OF RESOLUTION NO. 2021-03-PC

A RESOLUTION OF THE PLANNING COMMISSION OF THE TOWN OF PARACHUTE, COLORADO, RECOMMENDING THE TOWN COUNCIL APPROVE THE INITIAL ZONING FOR CERTAIN REAL PROPERTY PROPOSED TO BE ANNEXED TO THE TOWN PURSUANT TO THE PETITION FOR ANNEXATION FROM HOWARD AND SARAH ORONA, IVO AND BETTY LINDAUER, AND IVO AND BETTY LINDAUER REVOCABLE TRUST.

F2 PUBLIC MEETING BEFORE THE PLANNING COMMISSION TO CONSIDER A LAND

2021-04-08

USE APPLICATIONS FROM RFSC, LLC FOR A SPECIAL USE REVIEW TO ALLOW FOR RETAIL & MEDICAL MARIJUANA CULTIVATIONS ON PARCELS LOCATED AT 929 COUNTY ROAD 215, PARACHUTE.

APPLICANT/OWNER: RFSC, LLC REPRESENTED BY
CHRIS GREEN, AGO STUDIOS
1375 RED BUTTE DRIVE, PARACHUTE, CO 81635

PROJECT NAME: MARIJUANA CULTIVATIONS SUR

PROJECT LOCATION: 929 COUNTY RD 215, PARACHUTE, CO 81635
GARFIELD COUNTY PARCEL 240911100153
GARFIELD COUNTY PARCEL 240912200009
GARFIELD COUNTY PARCEL 240912200010

STAFF: JESSICA PAUGH, COMMUNITY DEVELOPMENT

PLANNING COMMISSION CONSIDERATION OF RESOLUTION NO. 2021-04-PC

A RESOLUTION OF THE PLANNING COMMISSION OF THE TOWN OF PARACHUTE, COLORADO, RECOMMENDING THE TOWN COUNCIL APPROVE A SPECIAL USE PERMIT FOR A RETAIL MARIJUANA CULTIVATION FACILITY (LARGE) FOR CERTAIN REAL PROPERTY KNOWN AS THE ORONA ANNEXATION PARCEL PROPOSED TO BE ANNEXED TO THE TOWN PURSUANT TO THE PETITION FOR ANNEXATION FROM HOWARD AND SARAH ORONA, IVO AND BETTY LINDAUER, AND IVO AND BETTY LINDAUER REVOCABLE TRUST.

PLANNING COMMISSION CONSIDERATION OF RESOLUTION NO. 2021-05-PC

A RESOLUTION OF THE PLANNING COMMISSION OF THE TOWN OF PARACHUTE, COLORADO, RECOMMENDING THE TOWN COUNCIL APPROVE A SPECIAL USE PERMIT FOR A RETAIL MARIJUANA CULTIVATION FACILITY (LARGE) FOR CERTAIN REAL PROPERTY KNOWN AS THE LINDAUER ANNEXATION PARCEL 1 PROPOSED TO BE ANNEXED TO THE TOWN PURSUANT TO THE PETITION FOR ANNEXATION FROM HOWARD AND SARAH ORONA, IVO AND BETTY LINDAUER, AND IVO AND BETTY LINDAUER REVOCABLE TRUST.

PLANNING COMMISSION CONSIDERATION OF RESOLUTION NO. 2021-06-PC

A RESOLUTION OF THE PLANNING COMMISSION OF THE TOWN OF PARACHUTE, COLORADO, RECOMMENDING THE TOWN COUNCIL APPROVE A SPECIAL USE PERMIT FOR A RETAIL MARIJUANA CULTIVATION FACILITY (LARGE) FOR CERTAIN REAL PROPERTY KNOWN AS THE LINDAUER ANNEXATION PARCEL 2 PROPOSED TO BE ANNEXED TO THE TOWN PURSUANT TO THE PETITION FOR ANNEXATION FROM HOWARD AND SARAH ORONA, IVO AND BETTY LINDAUER, AND IVO AND BETTY LINDAUER REVOCABLE TRUST.

(G) ADJOURN

You are invited to a Zoom webinar.

When: **Apr 8, 2021 06:30 PM** Mountain Time (US and Canada)

Apr 8, 2021 06:30 PM

Topic: Planning Commission

Please click the link below to join the webinar:

<https://us02web.zoom.us/j/85703859802?pwd=SEhQjN6ZnlmUkt4K1NpbWpldjRRdz09>

Passcode: planning

Or One tap mobile :

US: +16699006833,,85703859802#,,, *84697071# or +12532158782,,85703859802#,,, *84697071#

Or Telephone:

Dial(for higher quality, dial a number based on your current location):

US: +1 669 900 6833 or +1 253 215 8782 or +1 346 248 7799 or +1 929 205 6099 or +1 301 715 8592 or +1 312 626

6799

Webinar ID: 857 0385 9802

Passcode: 84697071

International numbers available: <https://us02web.zoom.us/j/85703859802?pwd=SEhQjN6ZnlmUkt4K1NpbWpldjRRdz09>

2021-04-08



**MINUTES
TOWN OF PARACHUTE
PLANNING COMMISSION REGULAR MEETING
TOWN HALL, 222 GRAND VALLEY WAY
JANUARY 14, 2021 6:30 PM**

The Town of Parachute will make reasonable accommodations for access to Town services, programs, and activities and will make special communication arrangements for persons with disabilities. Please call (970) 285-7630, x-104 for assistance.

MEETING CALLED TO ORDER AT 6:38 PM

(A) COMMISSION MEMBERS PRESENT:

TIM OLK
ROY McCLUNG
JUANITA WILLIAMS
JUDY BEASLEY
SHERRY LOSCHKE

COMMISSION MEMBERS ABSENT:

TOM RUGAARD

STAFF PRESENT:

STUART McARTHUR, TOWN MANAGER – VIA ZOOM
LAURALEE PATTON, COMMUNITY DEVELOPMENT
LUCY CORDOVA, TOWN CLERK

(B) PLEDGE OF ALLEGIANCE

(C) APPROVAL OF AGENDA

MOTION NO. 1:

Moved and Seconded by Commissioners McClung / Loschke to approve agenda
Vote passed with a 5 to 0 Vote

(D) CONSIDERATION OF MINUTES OF REGULAR MEETING OF NOVEMBER 12, 2020

MOTION NO. 2:

Moved and Seconded by Commissioners McClung / Williams to approve January 14, 2021, Minutes
Vote passed with a 5 to 0 Vote

(E) PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

NO PUBLIC COMMENT

(F) APPOINTMENT OF VICE CHAIR TO THE TOWN OF PARACHUTE PLANNING COMMISSION

MOTION NO. 3:

Moved and Seconded by Commissioners McClung / Loschke to appoint Juanita Williams as Vice Chair
Vote passed with a 5 to 0 vote

STAFF: LUCY SPALENKA, TOWN CLERK

(G) PUBLIC MEETING BEFORE THE PLANNING COMMISSION TO CONSIDER A LAND USE APPLICATION FROM JAZ HOLDINGS, LLC FOR REZONING OF VACANT LAND LOCATED ADJACENT TO 248 4th STREET FROM HIGH DENSITY RESIDENTIAL TO SERVICE COMMERCIAL

APPLICANT/OWNER:

JAZ Holdings, LLC on behalf of Parachute Management
3656 County Road 301
Parachute, CO 81635

PROJECT NAME:

Old Mountain Storage Expansion

PROJECT LOCATION:

Vacant Land adjacent to 248 4th street
Quarter NE Section: 12 Township; 7 range; 96 parcel of land
situated in the NWNE containing 2.539=-/ Acres

STAFF: LAURALEE PATTON, COMMUNITY DEVELOPMENT SPECIALIST

Public meeting opened by Chair Olk

Community Development Specialist Lauralee Patton went over her staff report, recommendation for approval and introduced the Applicant.

Applicant : Chris & Amy Beasley 3656 CR 301 – they spoke regarding their project & rezoning

No public comment

Public meeting closed.

PLANNING COMMISSION RESOLUTION NO. 2021-01-PC

A RESOLUTION OF THE PLANNING COMMISSION OF THE TOWN OF PARACHUTE, COLORADO RECOMMENDING THAT THE TOWN COUNCIL OF THE TOWN OF PARACHUTE APPROVE AN APPLICATION FOR REZONING FOR PROPERTY IDENTIFIED BY GARFIELD COUNTY PARCEL NO. 2409-121-00-011 IN THE TOWN OF PARACHUTE.

MOTION NO. 4:

Moved and Seconded by Commissioners McClung / Williams to approve Resolution No. 2021-01- PC

A RESOLUTION OF THE PLANNING COMMISSION OF THE TOWN OF PARACHUTE, COLORADO RECOMMENDING THAT THE TOWN COUNCIL OF THE TOWN OF PARACHUTE APPROVE AN APPLICATION FOR REZONING FOR PROPERTY IDENTIFIED BY GARFIELD COUNTY PARCEL NO. 2409-121-00-011 IN THE TOWN OF PARACHUTE.

Vote passed with a 5 to 0 vote

(H) PUBLIC MEETING BEFORE THE PLANNING COMMISSION TO CONSIDER A LAND USE APPLICATION FROM JAZ HOLDINGS, LLC FOR SPECIAL USE REVIEW TO ALLOW FOR AN EXPANSION OF OLD MOUNTAIN STORAGE LOCATED AT 248 4th STREET

APPLICANT/OWNER:

Jaz Holdings, LLC on behalf of Parachute Management
3656 County Road 301
Parachute, CO 81635

PROJECT NAME:

Old Mountain Storage Expansion

PROJECT LOCATION:

248 4th Street
Parachute, CO 81635

STAFF: LAURALEE PATTON, COMMUNITY DEVELOPMENT SPECIALIST

Public meeting opened by Chair Olk

Community Development Specialist Lauralee Patton went over her staff report, recommendation for approval and introduced the Applicant.

Applicant : Chris & Amy Beasley 3656 CR 301 – they spoke regarding their project & rezoning

No public comment

Public meeting closed.

PLANNING COMMISSION RESOLUTION NO. 2021-02-PC

A RESOLUTION OF THE PLANNING COMMISSION OF THE TOWN OF PARACHUTE, COLORADO RECOMMENDING THE TOWN COUNCIL APPROVE A SPECIAL USE PERMIT AND SITE-SPECIFIC DEVELOPMENT PLAN FOR PERSONAL STORAGE UNITS (MINI-STORAGE) USE FOR PROPERTY IDENTIFIED BY GARFIELD COUNTY PARCEL NO. 2409-121-00-011 IN THE TOWN OF PARACHUTE.

MOTION NO. 5:

Moved and Seconded by Commissioners McClung / Williams to approve Resolution No. 2021-02- PC

A RESOLUTION OF THE PLANNING COMMISSION OF THE TOWN OF PARACHUTE, COLORADO RECOMMENDING THE TOWN COUNCIL APPROVE A SPECIAL USE PERMIT AND SITE-SPECIFIC DEVELOPMENT PLAN FOR PERSONAL STORAGE UNITS (MINI-STORAGE) USE FOR PROPERTY IDENTIFIED BY GARFIELD COUNTY PARCEL NO. 2409-121-00-011 IN THE TOWN OF PARACHUTE.

Vote passed with a 5 to 0 vote

(I) ADJOURN

MOTION NO. 6:

Moved and Seconded by Commissioners Beasley / Loschke to adjourn

Vote passed with a 5 to 0 Vote

You are invited to a Zoom webinar.

When: Jan 14, 2021 06:30 PM Mountain Time (US and Canada)

Every month on the Second Thu, until Apr 8, 2021, 4 occurrence(s)

Jan 14, 2021 06:30 PM

Feb 11, 2021 06:30 PM

Mar 11, 2021 06:30 PM

Apr 8, 2021 06:30 PM

Please download and import the following iCalendar (.ics) files to your calendar system.

Monthly: [https://us02web.zoom.us/webinar/tZEqd-](https://us02web.zoom.us/webinar/tZEqd-qgqzliGtbc2F028KnnMpFQmVGfFWKP/ics?icsToken=98tyKuGtqTspEtGcuBmFRpwMB4igb_zwmFhHjbdfn03DU3ILSQ34G_JkA79JN_7W)

[qgqzliGtbc2F028KnnMpFQmVGfFWKP/ics?icsToken=98tyKuGtqTspEtGcuBmFRpwMB4igb_zwmFhHjbdfn03DU3ILSQ34G_JkA79JN_7W](https://us02web.zoom.us/webinar/tZEqd-qgqzliGtbc2F028KnnMpFQmVGfFWKP/ics?icsToken=98tyKuGtqTspEtGcuBmFRpwMB4igb_zwmFhHjbdfn03DU3ILSQ34G_JkA79JN_7W)

Topic: Planning Commission

Please click the link below to join the webinar:

<https://us02web.zoom.us/j/85703859802?pwd=SExhQjN6ZnlmUkt4K1NpbWpldjRRdz09>

Passcode: **planning**

Or iPhone one-tap :

US: +16699006833,,85703859802#,,,,*84697071# or +12532158782,,85703859802#,,,,*84697071#

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US: +1 669 900 6833 or +1 253 215 8782 or +1 346 248 7799 or +1 929 205 6099 or +1 301 715 8592 or +1 312 626 6799

Webinar ID: 857 0385 9802

Passcode: 84697071

International numbers available: <https://us02web.zoom.us/j/85703859802?pwd=SExhQjN6ZnlmUkt4K1NpbWpldjRRdz09>

Tim Olk, Chair

ATTEST:

Lucy Spalenka, Town Clerk



STUART S. MCARTHUR

TOWN MANAGER

Integrity • Respect • Teamwork • Pride • Innovation • Diversity

222 GRAND VALLEY WAY • PARACHUTE, CO 81635 • (970) 285-7630

STAFF REPORT

DATE: April 1, 2021
TO: Town of Parachute Planning Commission
FROM: Jessica Paugh, Community Development Director
SUBJECT: REQUEST FOR INITIAL ZONING

Background

PROJECT INFORMATION

Name of Project:.....Orona & Lindauer Annexation
Type of Request:..... Initial Zoning
Name of Applicant:.....Chris Green, Ago Studios, Inc
Address:.....PO Box 6053
Eagle, CO 81631
Contact Information:970-285-9474
chris@agostudios.com
Owner:..... Howard & Sarah Orona & Ivo & Better Lindauer
Address:..... 929 CR 215
Parachute, CO 81635
Site Addresses: 929 CR 215 Parachute, CO
General Location: Generally located south of Garfield County Road 215 and
west of Parachute Park Blvd.
PIN: 2409-111-00-153, 2409-122-00-010, & 2409-122-00-009
Existing Zoning:.....Resource Lands (Unincorporated Garfield County)

Surrounding Zoning:

North: Resource Lands (*Unincorporated Garfield County*), General Industrial
South: Public Lands (*Unincorporated Garfield County*), General Industrial

East: General Industrial, Limited Industrial
West: Public Lands (*Unincorporated Garfield County*)

Existing Land Use: Single-family residence, agricultural production, vacant
Proposed Land Uses: Medical marijuana optional premises cultivation operation, large
Retail marijuana cultivation facility, large

Surrounding Land Use:

North: Industrial storage, General Agriculture, Residential
South: Public Lands/Open Space (*Unincorporated Garfield County*), Vacant
East: Industrial, Vacant
West: Public Lands/Open Space (*Unincorporated Garfield County*)

Parcel Size: The application requests rezoning of a total of 106.541 acres.

Lindauer Annexation Parcel 1:35.619 acres
Lindauer Annexation Parcel 2:36.090 acres
Orona Annexation Parcel:34.832 acres

Legal Description (subject parcel):

See attached maps for full legal description.

Project Location:

The properties are generally located south of Garfield County Road 215 and west of Parachute Park Boulevard. The parcels, which are not directly adjacent to either roadway, are accessed through a narrow extension of the Lindauer Annexation Parcel that provides access to Garfield County Road 215 to the northeast.

Staff Analysis:

The applicant is requesting an initial zoning of LI – Limited Industrial Zone District for all three parcels totaling 106.541 acres in area.

Attorney Review

Town Attorney, Jeff Conklin has reviewed the request to zone the subject parcel and found no issues.

Recommendations:

Staff recommends that the Planning Commission approve a Resolution recommending approval of the initial zoning to LI – Limited Industrial Zone District with the following conditions:

1. The rezoning is contingent on the Town Council approval of the Special use Review.
2. Any further development of any of the parcels shall require compliance with all applicable requirements of the Parachute Municipal Code (PMC).

RECOMMENDED MOTION:

A RESOLUTION OF THE PLANNING COMMISSION OF THE TOWN OF PARACHUTE, COLORADO, RECOMMENDING THE TOWN COUNCIL APPROVE THE INITIAL ZONING FOR CERTAIN REAL PROPERTY PROPOSED TO BE ANNEXED TO THE TOWN PURSUANT TO THE PETITION FOR ANNEXATION FROM HOWARD AND SARAH ORONA, IVO AND BETTY LINDAUER, AND IVO AND BETTY LINDAUER REVOCABLE TRUST.

If you have any additional questions or concerns, please contact me at 970-285-7630.

Project Review

Brief Summary of Annexation Petition:

A Petition for Annexation for the Orona and Lindauer Annexations have been submitted to the Town. The Town of Parachute Town Council has found the petition to be in substantial compliance with state statute with Resolution **No.2020-20**. The Petition includes approximately 106.541 acres of land.

Since the subject parcel will be located within the Town's jurisdiction, an initial zoning must be applied to the subject parcel within 90 days of the annexation of the subject parcel per Section 15.07.150., Zoning and Subdivision during Annexation, of the Parachute Municipal Code. The Town Council will hold a public hearing on the annexation petition, the initial zoning request, and the Special Use Review requests on Thursday, April 15, 2021.

Description of Zoning Application:

The applicant is requesting to initially zone the three parcels LI – Limited Industrial District. Currently, the entire property is zoned Resource Land within Unincorporated Garfield County.

Zoning Procedures:

Zoning procedures are outlined in Parachute Municipal Code (PMC) 15.02.245. The Planning Commission may consider the following criteria for the analysis of rezoning applications for their recommendation to the Town Council:

1. The compatibility of the rezoning proposal with the surrounding zone districts and land uses in the vicinity of the site of the rezoning, including the characteristics of the existing neighborhood, the applicable area and bulk requirements, and the suitability of the site for development in terms of on-site characteristics;
2. The impacts of the rezoning upon expected traffic generation and road safety, availability of on-site and off-site parking and the availability of adequate utility services and street access to the site;
3. The impacts of the land uses of the proposed rezoning upon expected environmental quality, including air and water quality;
4. The community need for the proposed rezoning and the relationship of the proposed rezoning to the goal of overall community balance; and
5. Compatibility with the comprehensive plan.

Proposed Zoning:

The applicant is requesting to initially zone the property LI – Limited Industrial District.

Surrounding Zoning:

The surrounding zoning is Resource Land within Unincorporated Garfield County.

Existing Land Uses:

The property to be annexed and initially zoned is currently being used to grow and cultivate crops. Over the past few seasons, hemp was grown on the cultivated portions of the property. There is

also an existing single-family home on the Orona Annexation Parcel and agricultural outbuildings, sheds, and garages around the properties to support the agricultural uses.

Proposed Land Uses:

The applicant is seeking approval to grow and cultivate medical and retail marijuana on the cultivated portions of the property. This area covers approximately 31.25 acres (29.3%) of the total property. Existing uses such as single-family residence, are proposed to remain. Additional information on the intended uses is provided in the Special Use Review staff report.

The proposed rezoning does appear to be consistent with the overall community balance in uses. However, since at this time, the property owners seek to use a field which is currently and has historically been used for various agricultural products, the only change desired at this time is to allow the outdoor cultivation and growing of marijuana product. Because of this, there are specific uses which the owner has enjoyed historically which they would like to have continue until the property develops further. As such, town staff is agreeable to allowing the following to continue until the property develops further:

1. Hunting on the property;
2. No water rights will be dedicated to the Town at this time since the rights will be needed to irrigate the crops and they will not need to be changed to municipal use for this project at this time;
3. The single-family residence existing on the northeast area of the Orona Annexation Map will be allowed to continue as a second primary use;
4. Dedication of open space will not be required at this time; and
5. Dedication of full width public rights-of-way and associated infrastructure such as water and sewer, will not be required at this time.

Structures:

Hoop houses and on-site containers will be installed during each phase of the project to store and process the cultivated product. A total of 23 such houses are proposed at build out. Phase one of the project includes central office and security structures. The office is intended to have a toilet facility, however that structure will be designed with a self-containment facility and the operators will have to have the facility pumped as needed. No structure being proposed will require water or sewer services. Because of this, coupled with the limited impact of the proposed use, staff felt that it was appropriate to not require a Site Plan to be submitted. Rather, the site drawings and plan requirements of the State of Colorado licensing process would be acceptable for the Town to document and understand the improvement anticipated on the site.

Parachute Design Guidelines (PDG):

The parcels are not within a defined Character District of the PDG, therefore, there are no additional design guidelines necessary.

Access & Parking:

Access will remain from the northern most portion of this property which is approximately 40' in width extending to County Road 215 right-of-way. This access point is part of Lindauer Annexation Parcel 2 and there is a 40' access and utility easement providing legal access to Orona Annexation Parcel.

The access drive crosses Parachute Creek with a one-lane bridge which has been in its current state for a long period of time. Currently, agricultural vehicles, trucks, and equipment use this driveway to access the fields to the south portions of the property. The number of trips generated by the proposed uses does not significantly change the current usage given that it is still a seasonal agricultural cultivation use which will be planted and harvested similarly to other crops.

Parking spaces will be provided adjacent to the access road between the RFSCP, LLC and MRW parcels. Additional parking spaces are provided at the very south end of the cultivation area. A total of 39 spaces are provided.

Traffic:

The intended use at this time will not generate a significant amount of additional traffic to the site and there is sufficient off-street parking available and required utilities for the proposed cultivation use are adequate.

It is important to note that the implementation of many of the town standards associated with access, utilities, parking, and other site design and layout, are being post postponed until such time the property redevelops since staff has determined that the impact of the property with the intended cultivation use will not have significant impact on these items compared to if the property were to redevelop to more intense or impactful industrial uses in the future. At such time, the Town will be able to implement the full extent of the town standards applicable at that time to ensure impacts of the proposed use will be adequately addressed through improvements and mitigation strategies.

Utilities:

The operators will have to extend power to various points of the existing fields to provide power for security lighting, cameras, and other equipment required for the operator to obtain state licenses.

Natural gas service lines will be installed to heat hoop houses and nutrient tanks.

Other utilities such as water and sewer are not proposed to be extended to the property. Staff agrees with this proposal finding that there is no significant increase in activity on the site that requires full restroom facilities or other structures that warrant water and/or sewer services at this time. These services will be extended in the future at the time these properties further develop into a more intense or impactful use which warrants these facilities.

Lighting:

Lighting will be provided pursuant to state regulations for the proper security of the property.

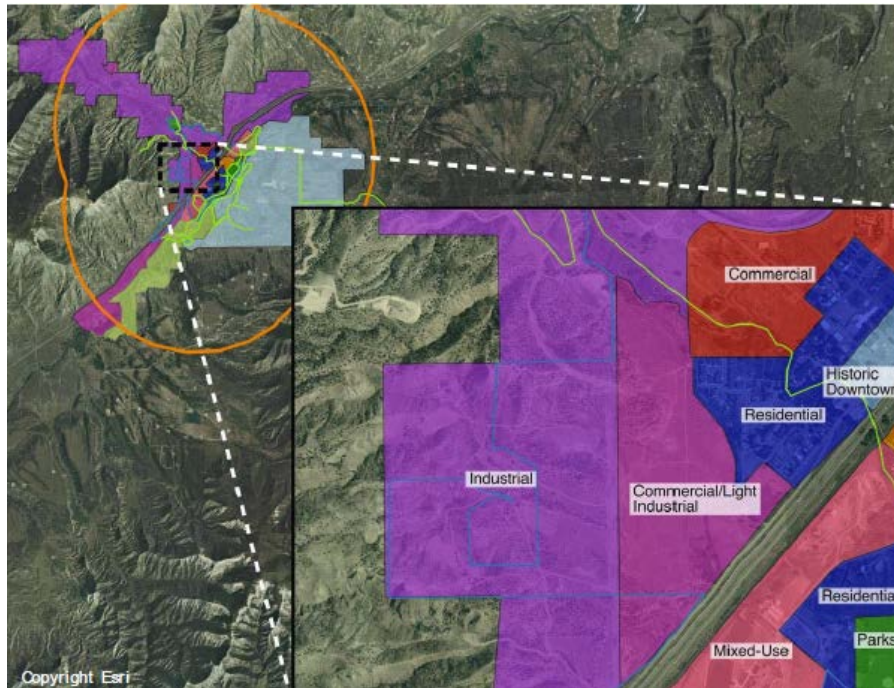
Fencing and Screening:

Security fencing will be installed along the parameter of the licensed premises. An 8-foot chain link fence with screening fabric is proposed at the parameter of each licensed premises areas. Security cameras will be installed at various locations throughout the fence line.

While the fence will require a fence permit and building permit through the Town, the State of Colorado requires fencing to provide security around the licensed premises.

Comprehensive Plan:

This property is located in the West Central Parachute area of the comprehensive plan. The particular area is identified as industrial rendering the request to rezone to Limited Industrial compatible with the future land use depicted in the comprehensive plan.



West Central Parachute, 2015 Comprehensive Plan (pg. 61)

Referral Agency Comments:

The Annexation, Initial Zoning, and Special Use Review requests have been sent to referral agencies as required by the Municipal Annexation Act of 1965 and the Parachute Municipal Code. Comments were received from the following agencies and are attached for your review:

1. Lou Vallario, *Garfield County Sheriff Department, Sheriff*
2. Chris Jackson, *Grand Valley Fire Protection District, Deputy Fire Chief/Fire Marshall*
3. Casey Lawrence, *Garfield County Assessor's Office, Assessor GIS Lead Analyst*
4. TJ Dlubac, AICP, *Community Planning Strategies, Town's contracted town planner*

Recommendation:

Based on the above observations, review, analysis, and findings, staff recommends the Planning Commission recommend **approval** of the Rezoning request as submitted to the Town Council.

Planning Commission Recommendation Options

The Planning Commission may choose to make the following recommendations to the Town Council:

1. Recommend approval of the Rezoning as submitted.
2. Recommend approval of the Rezoning subject to additional conditions.
3. Recommend denial of the Rezoning.

Enclosures:

1. Application and Supplemental Materials
2. Consolidated Comment Letter dated March 30, 2021
3. Zoning Map



TOWN OF PARACHUTE
P.O. BOX 100
222 GRAND VALLEY WAY
PARACHUTE, CO 81635

LAND USE APPLICATION

Project Name: CRONA / LINDAVER ANNEXATION
Project Site Address/Location: 929 COUNTY ROAD 215 PARACHUTE, CO
Name of Applicant: CHRISTOPHER J. GREEN, FMA / AGO STUDIOS, INC - AGENT
Address: PO BOX 6053, EAGLE, CO 81631
Telephone#: 970-528-9474 Fax#: _____ Email: CHRIS@AGOSTUDIOS, INC.

Type of Application (check all that apply):

- | | |
|--|---|
| <input type="checkbox"/> Major Subdivision | (Attach Major Subdivision Checklist) |
| <input type="checkbox"/> Resubdivision | (Attach Major Subdivision Checklist) |
| <input type="checkbox"/> Condo Subdivision/Conversion | (Attach Condominium Subdivision Checklist) |
| <input type="checkbox"/> Minor Subdivision | (Attach Minor Subdivision Checklist) |
| <input type="checkbox"/> Plat Correction | (Attach Plat Amendment Checklist) |
| <input type="checkbox"/> Lot Consolidation | (Attach Plat Amendment Checklist) |
| <input type="checkbox"/> Boundary Line Adjustment | (Attach Plat Amendment Checklist) |
| <input type="checkbox"/> Special Use Permit | (Attach Special Use Permit Checklist) |
| <input checked="" type="checkbox"/> Temporary Use Permit | (Attach Temporary Use Permit Checklist) |
| <input type="checkbox"/> Sign Permit | (Attach Sign Permit Checklist) |
| <input type="checkbox"/> Site Plan Review | (Attach Site Plan Review Checklist) |
| <input checked="" type="checkbox"/> Rezoning | (Attach Rezoning Checklist) |
| <input type="checkbox"/> Zoning Variance | (Attach Zoning Variance Checklist) |
| <input type="checkbox"/> Floodplain Development Permit | (Attach Floodplain Development Permit Checklist) |
| <input type="checkbox"/> Annexation | (Attach Annexation Checklist) |
| <input type="checkbox"/> Site Specific Development Plan | (Attach Site Specific Development Plan Checklist) |

I/We certify that the information and exhibits herewith are true and correct to the best of my knowledge.

Name: (print) CHRISTOPHER J. GREEN, FMA

Signature:  Date: 1.22.21

INSTRUCTIONS:

1. Review the relevant sections of the Parachute Land Use Regulations (Title 15 of the Parachute Municipal Code). Visit www.coloradogov/parachutecolorado
2. Read application and associated checklists thoroughly.
3. Complete and submit all of the requested information.
4. Applications not signed and lacking any of the requested information will be deemed incomplete and will not be scheduled for review.*

***** APPLICANT NOT TO WRITE BELOW *****

DATE

APPLICATION FEE PAID:

APPLICATION RECEIVED:

APPLICATION COMPLETE:*

PLANNING & ZONING HEARING:

BOT HEARING:

PROPERTY POSTING:

MAILINGS:

PUBLICATION:

REFERRAL AGENCIES NOTIFIED:

ADMINISTRATIVE APPROVAL:

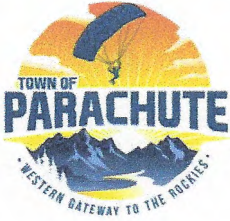
P&Z APPROVAL:

BOT APPROVAL:

BOA APPROVAL:

PERFORMANCE GUARANTY POSTED:

*** Note: A complete application includes this form, the applicable checklist(s), and all materials requested on the applicable checklist(s).**



REZONING APPLICATION CHECKLIST

Two hard copies and one electronic version of all of the following information shall be submitted with an application for rezoning, unless one or more items are specifically waived in writing by the Town Manager:

- ☒ The Land Use Application form provided by the Town Manager.
- ☒ A vicinity map indicating the location and street address (if applicable) of the property.
- ☒ A legal description of the property.
- ☒ Proof of legal ownership in the form of a current title policy, and the names and addresses of the owners of the property and any lienholder(s).
- ☒ Proof of taxes paid.
- ☒ A petition for rezoning signed by the owners of at least fifty percent (50%) of the area of land or area of lots subject to the rezoning application. ~~SEE LETTER OF AGENCY~~
- ☐ The names and addresses of any owners and lessees of mineral rights for the property. All mineral rights owners and lessees must be notified 30 days in advance of application review.
- ☒ The names and addresses of any property owners within two hundred feet (200') of any portion of the property.
- ☒ A cover letter including justification for a rezoning based upon the review criteria. Include the existing zoning and the proposed zoning.
- ☒ A letter of representation, signed and notarized by the property owner(s), for any applicant that is not a property owner.
- ☒ An application fee per the Fee Schedule in Appendix Three.



ARCHITECTURE | DESIGN | STRATEGY

FEBRUARY 22, 2021

RE-ZONING APPLICATION PACKAGE

ORONA / LINDAUER PARCELS

929 COUNTY ROAD 215

PARACHUTE, COLORADO



agostudios.com
studio |970|328|9474
PO Box 6053
Eagle, Colorado 81631



ARCHITECTURE | DESIGN | STRATEGY

02.22.21

Mr. Stuart McArthur
Town Manager
Town of Parachute
222 Grand Valley Way
Parachute, CO 81635

Re: Re-Zoning Application: Orona, Lindauer Revocable Trust and Lindauer Properties

Dear Mr. McArthur,

I respectfully submit this application for the re-zoning for the parcels represented within this application, (Garfield County Parcels No.: 240911100153, 240912200010, and 240912200009) and as represented by the Annexation Petition submitted to the Town on February 10, 2021.

This application is applying to Re-zone these parcels to Light Industrial (LI) Zoning in order to allow the land that will be used for agricultural operations — specifically outdoor cannabis cultivation — which is allowed as a special use under this zoning designation. This is an appropriate zone designation for this property as the adjoining, existing Town of Parachute zone designations immediately adjacent to the property are either General Industrial (GI) or Limited Industrial (LI). I have included a Proposed Zoning Diagram (SK-12) which illustrates the proposed zoning for all parcels.

I have also included a land use diagram to help inform discussions regarding and analysis of this site by the Town of Parachute.

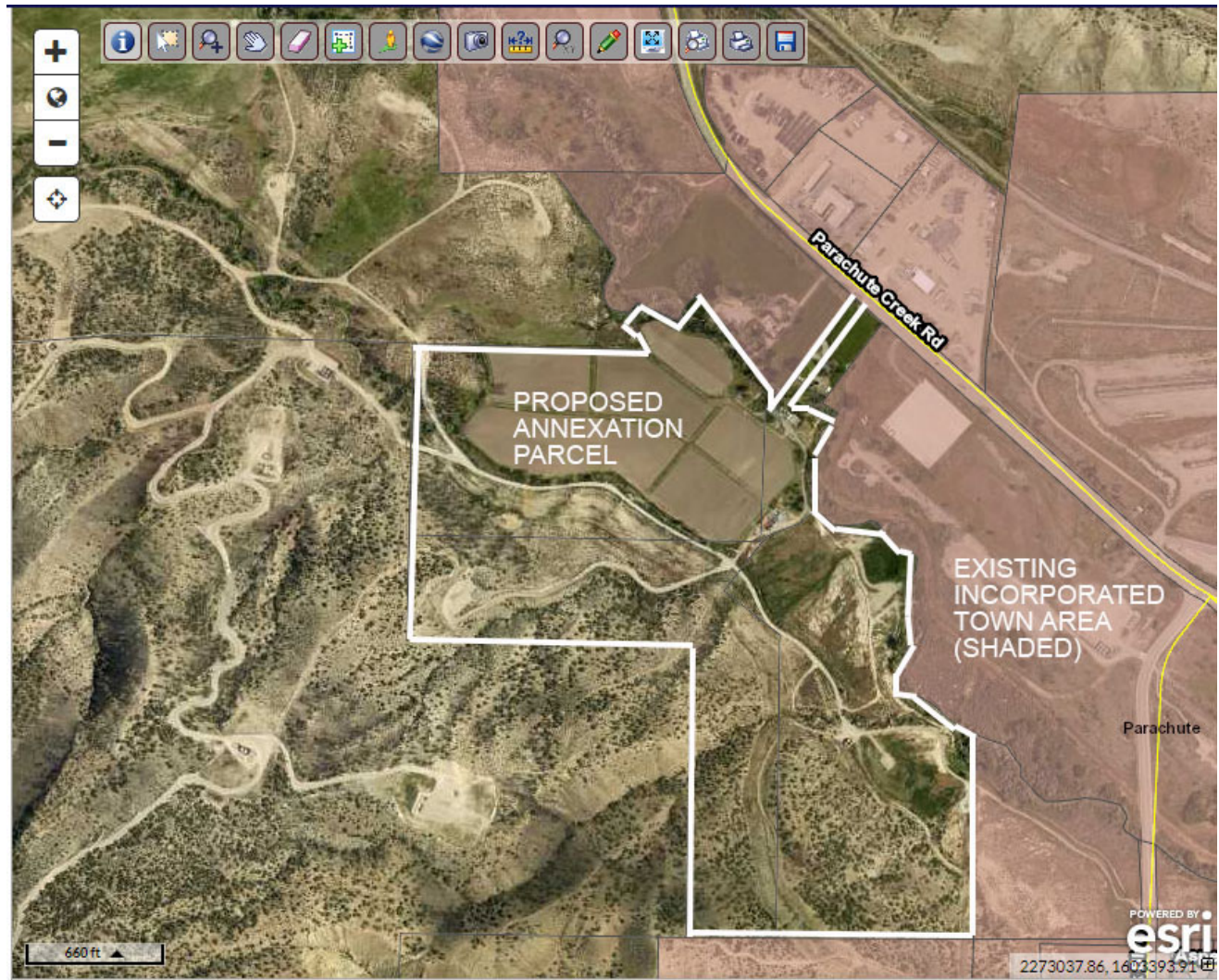
We believe this to be an appropriate designation for these areas and respectfully submit this application for consideration and approval by the Town of Parachute.

Sincerely,

Christopher J. Green, FAIA
Agent for Howard and Sarah Orona / Lindauer Revocable Trust / Ivo and Betty Lindauer

agostudios.com
studio | 970.328.9474
PO Box 6053
Eagle, Colorado 81631

February 22, 2021
LINDAUER / ORONA RE-ZONING APPLICATION PACKAGE
VICINITY DIAGRAM



February 22, 2021
LINDAUER / ORONA RE-ZONING APPLICATION PACKAGE
VICINITY DIAGRAM

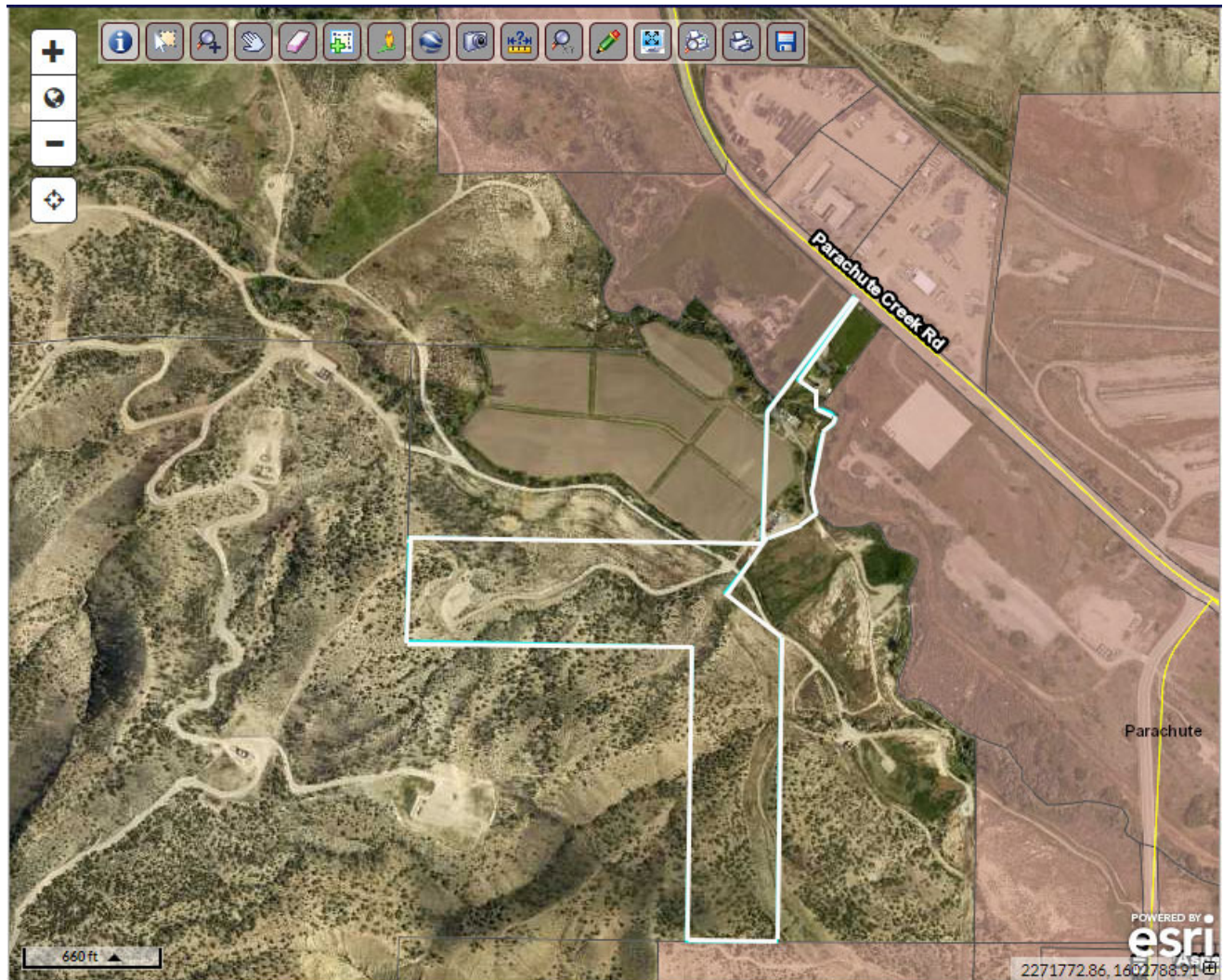


Garfield County Parcel Number: 240911100153

Legal Description: Section: 11 Township: 7 Range: 96 A PARCEL OF LAND IN THE SW4SW4 OF SEC. 1, SE4SE4 OF SEC. 2, NE4NE4 OF SEC.11, AND NW4NW4 OF SEC. 12 35.163 AC

Current Owner: ORONA, SARAH DEL & HOWARD - 929 COUNTY ROAD 215 - PARACHUTE CO 8163

February 22, 2021
LINDAUER / ORONA RE-ZONING APPLICATION PACKAGE
VICINITY DIAGRAM

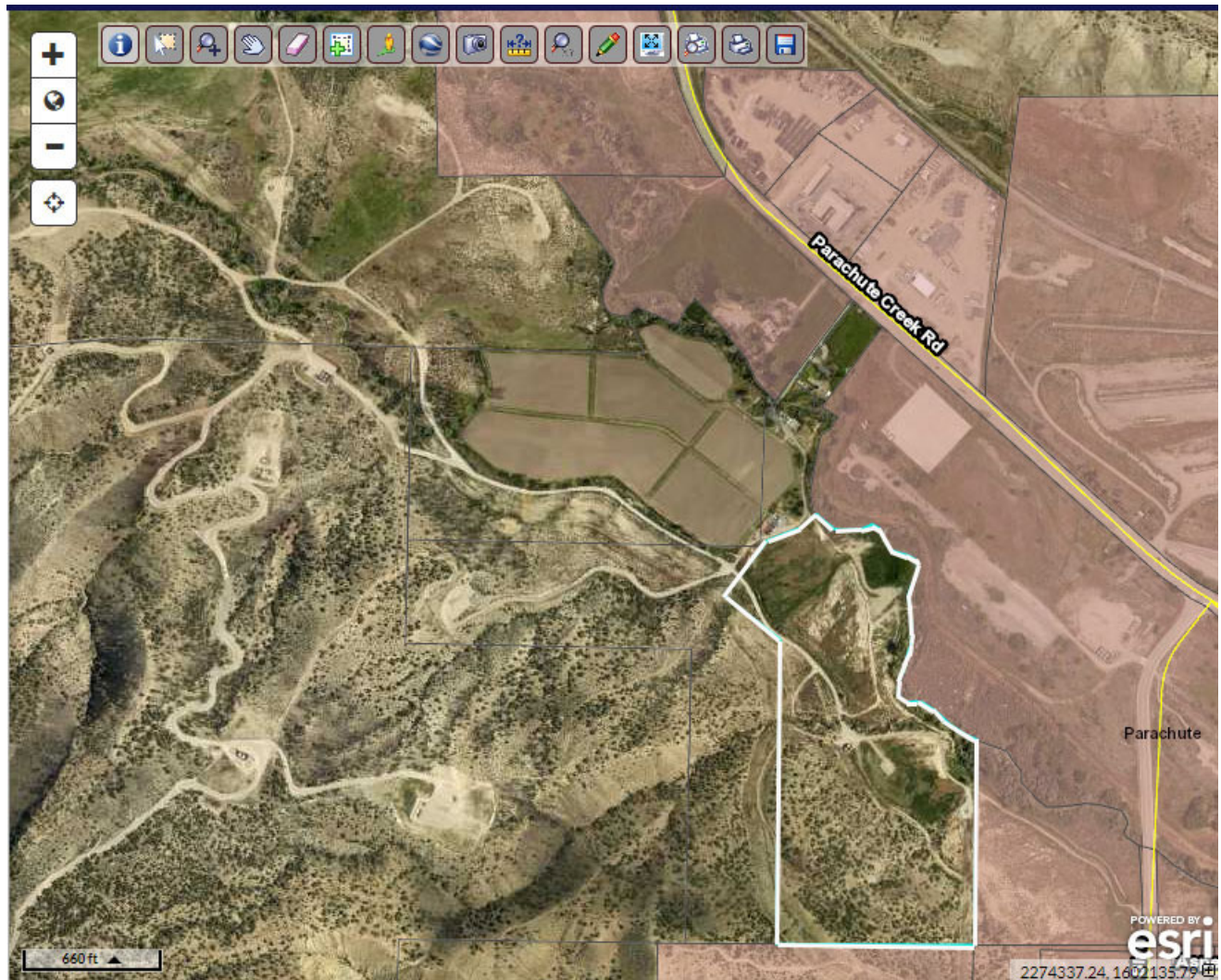


Garfield County Parcel Number: 240912200010

Legal Description: Section: 12 Township: 7 Range: 96 A PARCEL OF LAND CONT. 36.091 AC. +/-, BEING SITUATE IN THE SWSW OF SECTION 1, NENE OF SECTION 11, AND IN THE W2NW OF SECTION 12 AND BEING MORE PARTICULARLY DESCRIBED PER SPECIAL WARRANTY DEED RECEPTION NO. 942484 36.0

Current Owner: LINDAUER, IVO E AND BETTY J, JOINT REVOCABLE TRUST - 269 LODGEPOLE CIRCLE - PARACHUTE CO 81635

February 22, 2021
LINDAUER / ORONA RE-ZONING APPLICATION PACKAGE
VICINITY DIAGRAM



Garfield County Parcel Number: 240912200009

Legal Description: Section: 12 Township: 7 Range: 96 W2NW4, EXCEPTING ANY PORTION THOSE PARCELS OF LAND BEING DESCRIBED PER REC. NOS. 942484, 930772, 610872, 600446 & 574393 WHICH LIE WITHIN SAID W2NW4. 35.619 ACRES

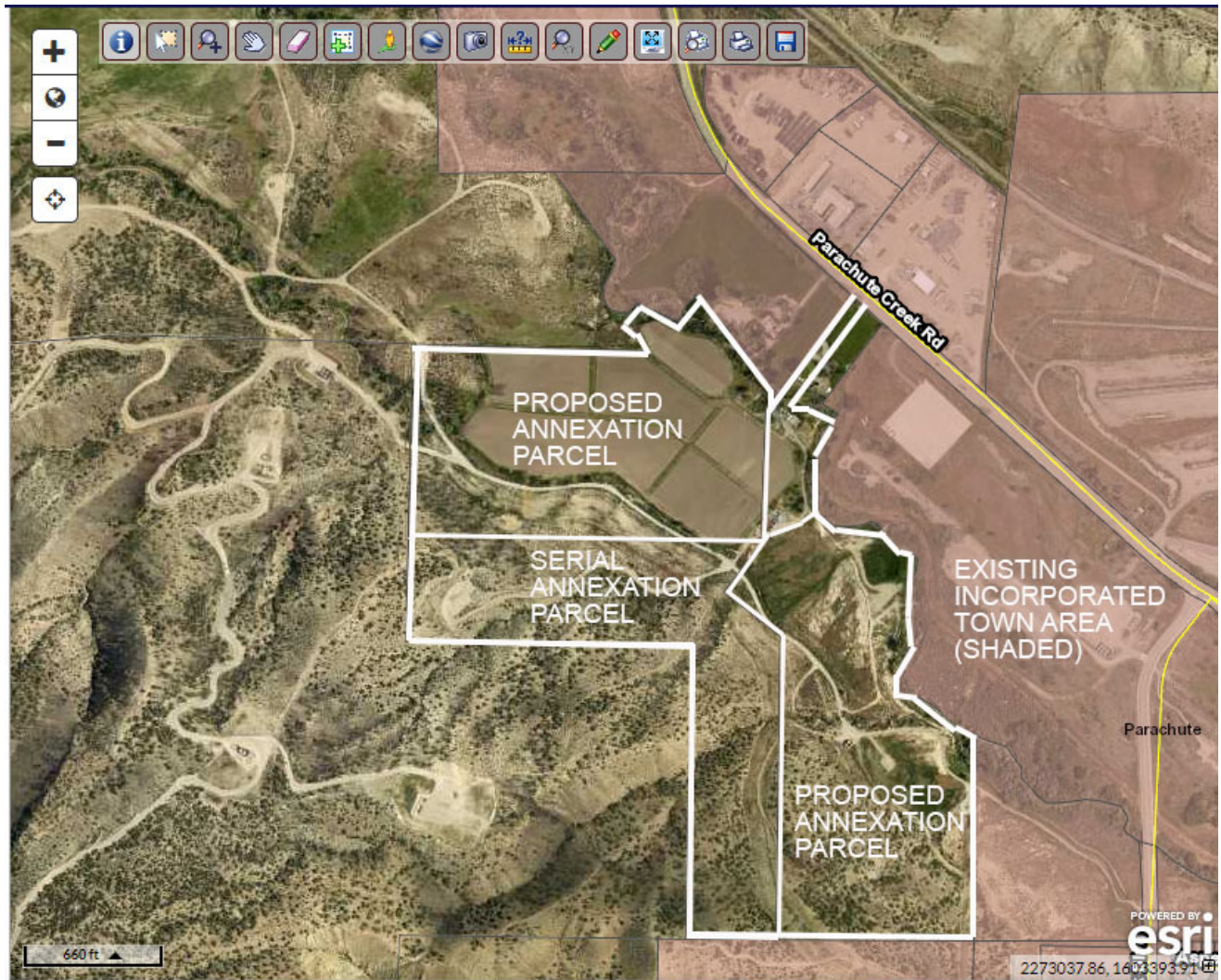
Current Owner: LINDAUER, IVO E & BETTY J - 269 LODGEPOLE CIRCLE - PARACHUTE CO 81635



February 22, 2021

LINDAUER / ORONA RE-ZONING APPLICATION PACKAGE

VICINITY DIAGRAM





VICINITY DIAGRAM - TOWN OF PARACHUTE



PARCEL DIAGRAM - LINDAUER

-
- EXISTING RESIDENTIAL USE
- PROPOSED CANNABIS CULTIVATION
- OPEN SPACE
- AREA LEGEND - SITE USES
- 1/4" = 1'-0"

■ MAP METHODOLOGY - DISCLAIMER

THIS DIAGRAM IS REPRESENTATIVE OF THE SITE AND MAY CONTAIN INACCURACIES OF SCALE, DIMENSION AND CURRENT ACTUAL LOCATION IN RELATION TO SITE ITEMS SHOWN THIS DRAWING.

THIS DIAGRAM CONSISTS OF PARCEL BOUNDARIES PER BOOKCLIFF SURVEY SERVICES - RIFLE, CO. SITE ITEMS SHOWN (OTHER THAN PARCEL BOUNDARIES) ARE PLACED PER GOOGLE EARTH - SCALE TRANSFORMED TO THIS VIEW. THIS DIAGRAM PROVIDED FOR PLANNING PURPOSES ONLY.

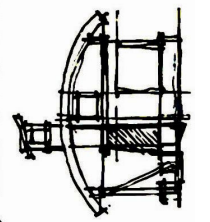
[illegible]

Sheet Title
SITE USES

PROJ. NO.: 2021-02

RFSCP, LLC / MRW, LLC
PARACHUTE SITE DEVELOPMENT
929 COUNTY ROAD 215
PARACHUTE, COLORADO 81625

Agō ■ STUDIOS, INC.

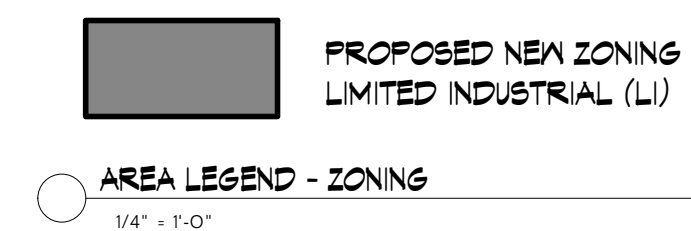


Architecture | Design | Strategy
office | 970 | 328 | 9474

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PO Box 6053
Eagle, Colorado 81631

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INACCURACIES OF SCALE, DIMENSION AND CURRENT ACTUAL LOCATION IN
RELATION TO SITE ITEMS SHOWN THIS DRAWING.
THIS DIAGRAM CONSISTS OF PARCEL BOUNDARIES PER BOOKCLIFF SURVEY
SERVICES - RIFLE CO. SITE ITEMS SHOWN (OTHER THAN PARCEL BOUNDARIES)
ARE PLACED PER GOOGLE EARTH - SCALE TRANSFORMED TO THIS VIEW. THIS
DIAGRAM PROVIDED FOR PLANNING PURPOSES ONLY.

[illegible]

<p>Sheet Title</p> <p>SITE DIAGRAM - PROPOSED ZONING</p>		
<p>PROJ. NO.: 2021-02</p>		

SK-12

AG² STUDIOS, INC.



Architecture | Design | Strategy

office | 970 | 328 | 9474

ag2studios.com

PO Box 6053

Eagle, Colorado 81631

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Garfield County Treasurer

Statement Of Taxes Due

Account Number R008920
Acres 35.163
Assessed To

Parcel 240911100153

ORONA, SARAH DEL & HOWARD
929 COUNTY ROAD 215
PARACHUTE, CO 81635

Legal Description

Section: 11 Township: 7 Range: 96 A PARCEL OF LAND IN THE SW4SW4 OF SEC. 1, SE4SE4 OF SEC. 2, NE4NE4 OF SEC. 11, AND NW4NW4 OF SEC. 12 35.163 ACRES

Situs Address

215 COUNTY RD

Year	Tax	Interest	Fees	Payments	Balance
Tax Charge					
2020	\$549.36	\$0.00	\$0.00	\$0.00	\$549.36
Total Tax Charge					\$549.36
Grand Total Due as of 01/27/2021					\$549.36

Tax Billed at 2020 Rates for Tax Area 046 - 16-BHFZ - 046

Authority	Mill Levy	Amount	Values	Actual	Assessed
GARFIELD COUNTY	12.2610000	\$117.21	IRRIGATED LAND- AGRICLTRL.	\$12,090	\$3,510
GARFIELD COUNTY - ROAD & B	0.0870000	\$0.83			
GARFIELD COUNTY - CAPITAL E	0.8710000	\$8.33	GRAZING LAND- AGRICULTURAL	\$370	\$110
GARFIELD COUNTY - RETIREMEN	0.4360000	\$4.17			
GRAND VALLEY FIRE PROTECTIO	6.2330000	\$59.59	FARM/RANCH RESIDENCE-IMPS	\$81,900	\$5,860
BLUESTONE WATER CONS	0.0060000	\$0.06	OTHER BLDGS.- AGRICULTURAL	\$270	\$80
COLO RIVER WATER CONS	0.5020000	\$4.80			
GRAND RIVER HOSPITAL	5.5970000	\$53.51	Total	\$94,630	\$9,560
GRAND VALLEY CEMETERY	0.0110000	\$0.11			
SCHOOL DIST 16 - GENERAL FU	2.2440000*	\$21.45			
SCHOOL DIST 16 - BOND	9.5980000	\$91.76			
COLORADO MTN COLLEGE	4.0130000	\$38.36			
GRAND RIVER HOSPITAL - BOND	5.3100000	\$50.76			
PARA/BATTLEMENT PARK& REC	4.0000000	\$38.24			
GARFIELD COUNTY PUBLIC LIBR	2.5050000	\$23.95			
SCHOOL DIST 16 - MILL LEVY	3.7900000	\$36.23			
Taxes Billed 2020	57.4640000	\$549.36			
* Credit Levy					

ALL TAX LIEN SALE AMOUNTS ARE SUBJECT TO CHANGE DUE TO ENDORSEMENT OF CURRENT TAXES BY THE LIENHOLDER OR TO ADVERTISING AND DISTRAINT WARRANT FEES. CHANGES MAY OCCUR AND THE TREASURER'S OFFICE WILL NEED TO BE CONTACTED PRIOR TO REMITTANCE AFTER SEPTEMBER 1ST. TAX SALE REDEMPTION AMOUNTS MUST BE PAID BY CASH OR CASHIERS CHECK.

Garfield County Treasurer
P.O. Box 1069
Glenwood Springs, CO 81602-1069
(970) 945-6382



Garfield County Treasurer

Statement Of Taxes Due

Account Number R084536
Acres 36.091
Assessed To

Parcel 240912200010

LINDAUER, IVO E AND BETTY J, JOINT REVOCABLE TRUST
269 LODGEPOLE CIRCLE
PARACHUTE, CO 81635

Legal Description

Section: 12 Township: 7 Range: 96 A PARCEL OF LAND CONT. 36.091 AC. +/-, BEING SITUATE IN THE SWSW OF SECTION 1, NENE OF SECTION 11, AND IN THE W2NW OF SECTION 12 AND BEING MORE PARTICULARLY DESCRIBED PER SPECIAL WARRANTY DEED RECEPTION NO. 942484 36.091 ACRES

Situs Address

929 215 COUNTY RD

Year	Tax	Interest	Fees	Payments	Balance
Tax Charge					
2020	\$327.20	\$0.00	\$0.00	\$0.00	\$327.20
Total Tax Charge					\$327.20
Grand Total Due as of 01/27/2021					\$327.20

Tax Billed at 2020 Rates for Tax Area 026 - 16-BHFZ - 026

Authority	Mill Levy	Amount	Values	Actual	Assessed
GARFIELD COUNTY	12.2610000	\$75.04	MEADOW HAY LAND- AGRICLTRL	\$9,710	\$2,820
GARFIELD COUNTY - ROAD & B	0.0870000	\$0.53	WASTE LAND	\$120	\$30
GARFIELD COUNTY - CAPITAL E	0.8710000	\$5.33	OTHER BLDGS.- AGRICULTURAL	\$11,290	\$3,270
GARFIELD COUNTY - RETIREMEN	0.4360000	\$2.67			
GRAND VALLEY FIRE PROTECTIO	6.2330000	\$38.15	Total	\$21,120	\$6,120
BLUESTONE WATER CONS	0.0060000	\$0.04			
COLO RIVER WATER CONS	0.5020000	\$3.07			
GRAND RIVER HOSPITAL	5.5970000	\$34.25			
GRAND VALLEY CEMETERY	0.0110000	\$0.07			
SCHOOL DIST 16 - GENERAL FU	2.2440000*	\$13.73			
SCHOOL DIST 16 - BOND	9.5980000	\$58.74			
COLORADO MTN COLLEGE	4.0130000	\$24.56			
GRAND RIVER HOSPITAL - BOND	5.3100000	\$32.50			
GARFIELD COUNTY PUBLIC LIBR	2.5050000	\$15.33			
SCHOOL DIST 16 - MILL LEVY	3.7900000	\$23.19			
Taxes Billed 2020	53.4640000	\$327.20			
* Credit Levy					

ALL TAX LIEN SALE AMOUNTS ARE SUBJECT TO CHANGE DUE TO ENDORSEMENT OF CURRENT TAXES BY THE LIENHOLDER OR TO ADVERTISING AND DISTRAINT WARRANT FEES. CHANGES MAY OCCUR AND THE TREASURER'S OFFICE WILL NEED TO BE CONTACTED PRIOR TO REMITTANCE AFTER SEPTEMBER 1ST. TAX SALE REDEMPTION AMOUNTS MUST BE PAID BY CASH OR CASHIERS CHECK.

Garfield County Treasurer
P.O. Box 1069
Glenwood Springs, CO 81602-1069
(970) 945-6382



Garfield County Treasurer

Statement Of Taxes Due

Account Number R008921
Acres 35.619
Assessed To

Parcel 240912200009

LINDAUER, IVO E & BETTY J
269 LODGEPOLE CIRCLE
PARACHUTE, CO 81635

Legal Description

Section: 12 Township: 7 Range: 96 W2NW4, EXCEPTING ANY PORTION THOSE PARCELS OF LAND BEING DESCRIBED PER REC. NOS. 942484, 930772, 610872, 600446 & 574393 WHICH LIE WITHIN SAID W2NW4. 35.619 ACRES

Situs Address

929 215 COUNTY RD

Year	Tax	Interest	Fees	Payments	Balance
Tax Charge					
2020	\$79.12	\$0.00	\$0.00	(\$79.12)	\$0.00
Total Tax Charge					\$0.00

Grand Total Due as of 01/27/2021 **\$0.00**

Taxes outstanding on child account(s) **\$327.20**

Tax Billed at 2020 Rates for Tax Area 026 - 16-BHFZ - 026

Authority	Mill Levy	Amount	Values	Actual	Assessed
GARFIELD COUNTY	12.2610000	\$18.14	MEADOW HAY LAND-	\$4,890	\$1,420
GARFIELD COUNTY - ROAD & B	0.0870000	\$0.13	AGRICLTRL		
GARFIELD COUNTY - CAPITAL E	0.8710000	\$1.29	WASTE LAND	\$200	\$60
GARFIELD COUNTY - RETIREMEN	0.4360000	\$0.65	Total	\$5,090	\$1,480
GRAND VALLEY FIRE PROTECTIO	6.2330000	\$9.22			
BLUESTONE WATER CONS	0.0060000	\$0.01			
COLO RIVER WATER CONS	0.5020000	\$0.74			
GRAND RIVER HOSPITAL	5.5970000	\$8.28			
GRAND VALLEY CEMETERY	0.0110000	\$0.02			
SCHOOL DIST 16 - GENERAL FU	2.2440000*	\$3.32			
SCHOOL DIST 16 - BOND	9.5980000	\$14.20			
COLORADO MTN COLLEGE	4.0130000	\$5.94			
GRAND RIVER HOSPITAL - BOND	5.3100000	\$7.86			
GARFIELD COUNTY PUBLIC LIBR	2.5050000	\$3.71			
SCHOOL DIST 16 - MILL LEVY	3.7900000	\$5.61			
Taxes Billed 2020	53.4640000	\$79.12			

* Credit Levy

ALL TAX LIEN SALE AMOUNTS ARE SUBJECT TO CHANGE DUE TO ENDORSEMENT OF CURRENT TAXES BY THE LIENHOLDER OR TO ADVERTISING AND DISTRAINT WARRANT FEES. CHANGES MAY OCCUR AND THE TREASURER'S OFFICE WILL NEED TO BE CONTACTED PRIOR TO REMITTANCE AFTER SEPTEMBER 1ST. TAX SALE REDEMPTION AMOUNTS MUST BE PAID BY CASH OR CASHIERS CHECK.

Garfield County Treasurer
P.O. Box 1069
Glenwood Springs, CO 81602-1069
(970) 945-6382





ARCHITECTURE | DESIGN | STRATEGY

01/29/21

LETTER OF AGENCY

Page 1 of 2

Town of Parachute
222 Grand Valley Way
Parachute, Colorado 81635

Re: Ago Studios — Agent for RFSC, LLC

To Whom It May Concern:

This letter authorizes Chris Green, FAIA of Ago Studios, Inc to represent Howard and Sarah Orona, Ivo and Betty Lindauer and the Ivo and Betty Lindauer Revocable Trust in the Annexation and Zoning Application being made to the Town of Parachute for Garfield County parcels 240912200009, 240912200010, 240911100153 as their agent at 929 County Road 0215, Parachute, Colorado. As our agent Ago Studios, Inc. is authorized to submit documents to The Town of Parachute on our behalf and act as a point of contact for this land use application.

Ago Studios Contact information:

Christopher J. Green, FAIA LEED AP
PO Box 6053
Eagle, CO 81631
Studio Phone: 970.328.9474

Sincerely,

Howard Orona

Sarah Orona

Ivo Lindauer

Betty Lindauer

Ivo and Betty Lindauer Revocable Trust (Sarah Orona)

agostudios.com
studio 970.328.9474
PO Box 6053
Eagle, Colorado 81631



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01 | 25 | 21

LETTER OF AGENCY

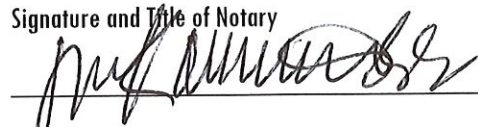
Page 2 of 2

STATE OF COLORADO

COUNTY OF GARFIELD

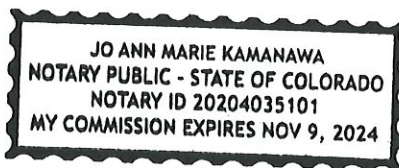
Subscribed and sworn to before me on this 1st day of February, 2021 by Howard and Sarah Orona.

Signature and Title of Notary



My Commission Expires: 11/9/2024

SEAL





**Land Title Guarantee Company
Customer Distribution**



PREVENT FRAUD - Please remember to call a member of our closing team when initiating a wire transfer or providing wiring instructions.

Order Number: **GW63016592**

Date: **02/26/2021**

Property Address: **929 COUNTY ROAD 215, PARACHUTE, CO 81635**

PLEASE CONTACT YOUR CLOSER OR CLOSER'S ASSISTANT FOR WIRE TRANSFER INSTRUCTIONS

For Closing Assistance

For Title Assistance

Land Title Garfield County Title Team
901 GRAND AVENUE #202
GLENWOOD SPRINGS, CO 81601
(970) 945-2610 (Work)
(970) 945-4784 (Work Fax)
glenwoodresponse@ltgc.com

Ordering Customer

AGO STUDIOS INC
Attention: CHRISTOPHER GREEN
561 E 6TH ST
PO BOX 6053
EAGLE, CO 81631
(970) 328-9474 (Work)
chris@agostudios.com
Delivered via: Electronic Mail



Land Title Guarantee Company
Estimate of Title Fees

Order Number: **GW63016592** Date: **02/26/2021**
Property Address: **929 COUNTY ROAD 215, PARACHUTE, CO
81635**
Parties: **TO BE DETERMINED BUYER
HOWARD ORONA AND SARAH DEL ORONA**

Visit Land Title's Website at www.ltgc.com for directions to any of our offices.

Estimate of Title insurance Fees	
"TBD" Commitment	\$217.00
Research Income	\$270.00
	Total \$487.00
If Land Title Guarantee Company will be closing this transaction, the fees listed above will be collected at closing.	
Thank you for your order!	

Note: The documents linked in this commitment should be reviewed carefully. These documents, such as covenants conditions and restrictions, may affect the title, ownership and use of the property. You may wish to engage legal assistance in order to fully understand and be aware of the implications of the effect of these documents on your property.

Chain of Title Documents:

[Garfield county recorded 09/18/2002 under reception no. 610872](#)

ALTA COMMITMENT

Old Republic National Title Insurance Company

Schedule A

Order Number: GW63016592

Property Address:

929 COUNTY ROAD 215, PARACHUTE, CO 81635

1. Effective Date:

02/09/2021 at 5:00 P.M.

2. Policy to be Issued and Proposed Insured:

"TBD" Commitment

\$0.00

Proposed Insured:

TO BE DETERMINED BUYER

3. The estate or interest in the land described or referred to in this Commitment and covered herein is:

A FEE SIMPLE

4. Title to the estate or interest covered herein is at the effective date hereof vested in:

HOWARD ORONA AND SARAH DEL ORONA

5. The Land referred to in this Commitment is described as follows:

A PARCEL OF LAND SITUATE IN THE SW1/4SW1/4 OF SECTION 1, SE1/4SE1/4 OF SECTION 2, NE1/4NE1/4 OF SECTION 11 AND THE NW1/4NW1/4 OF SECTION 12, TOWNSHIP 7 SOUTH, RANGE 96 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF GARFIELD, STATE OF COLORADO, SAID PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SECTION 1 A NO. 5 REBAR IN PLACE;
THENCE N. 89°57'05" W. ALONG THE SOUTHERLY LINE OF SAID SECTION 2, 220.04 FEET TO A COUNTY SURVEYOR BRASS CAP WITNESS CORNER IN PLACE THE TRUE POINT OF BEGINNING, THENCE DEPARTING SAID SOUTHERLY LINE N. 25°11'34" W. ALONG THE PROPERTY LINE AGREEMENT EXTENDED FILED IN BOOK 1130, PAGE 969 WITH THE GARFIELD COUNTY CLERK AND RECORDERS OFFICE, 210.19 FEET TO A POINT ON THE SOUTHERLY LINE OF A PARCEL OF LAND FILED IN BOOK 898, PAGE 696 WITH THE GARFIELD COUNTY CLERK AND RECORDERS OFFICE;
THENCE DEPARTING SAID PROPERTY LINE AGREEMENT AND ALONG SAID PARCEL OF LAND FILED IN BOOK 898, PAGE 696 THE FOLLOWING TEN (10) COURSES:

- 1) N. 62°18'43" E. 61.31 FEET
- 2) S. 70°25'27" E. 199.47 FEET;
- 3) N. 25°29'26" E. 70.46 FEET;
- 4) N. 44°29'26" E. 50.00 FEET;
- 5) N. 01°18'58" W. 13.08 FEET;
- 6) S. 45°30'34" E. 240.00 FEET;
- 7) N. 81°01'22" W. 15.77 FEET;
- 8) S. 41°03'51" E. 141.09 FEET;
- 9) S. 25°48'23" E. 110.17 FEET;
- 10) S. 45°39'13" E. 123.21 FEET;

THENCE DEPARTING SAID PARCEL OF LAND S. 36°04'09" W. 94.83 FEET;

THENCE S. 00°00'00" W. 604.51 FEET;

THENCE S. 90°00'00" W. 1652.98 TO A POINT ON THE WESTERLY LINE OF THE NE1/4NE1/4 OF SAID SECTION 11 (WHENCE THE NORTH EAST 1/16 CORNER A BLM ALUMINUM CAP BEARS S. 00°39'00" E. 505.35 FEET);

THENCE N. 00°39'00" W. ALONG SAID WESTERLY LINE 875.38 FEET TO THE EAST 1/16 CORNER OF

ALTA COMMITMENT

Old Republic National Title Insurance Company

Schedule A

Order Number: GW63016592

SAID SECTIONS 2 AND 11, A BLM ALUMINUM CAP IN PLACE;
THENCE DEPARTING SAID WESTERLY LINE S. 89°57'05" E. ALONG THE NORTHERLY LINE OF SAID
SECTION 11, 1116.55 FEET TO THE TRUE POINT OF BEGINNING.

COUNTY OF GARFIELD
STATE OF COLORADO

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ALTA COMMITMENT

Old Republic National Title Insurance Company

Schedule B, Part I

(Requirements)

Order Number: GW63016592

All of the following Requirements must be met:

This proposed Insured must notify the Company in writing of the name of any party not referred to in this Commitment who will obtain an interest in the Land or who will make a loan on the Land. The Company may then make additional Requirements or Exceptions.

Pay the agreed amount for the estate or interest to be insured.

Pay the premiums, fees, and charges for the Policy to the Company.

Documents satisfactory to the Company that convey the Title or create the Mortgage to be insured, or both, must be properly authorized, executed, delivered, and recorded in the Public Records.

THIS COMMITMENT IS FOR INFORMATION ONLY, AND NO POLICY WILL BE ISSUED PURSUANT HERETO.

ALTA COMMITMENT
Old Republic National Title Insurance Company
Schedule B, Part II
(Exceptions)

Order Number: GW63016592

This commitment does not republish any covenants, condition, restriction, or limitation contained in any document referred to in this commitment to the extent that the specific covenant, conditions, restriction, or limitation violates state or federal law based on race, color, religion, sex, sexual orientation, gender identity, handicap, familial status, or national origin.

- 1. Any facts, rights, interests, or claims thereof, not shown by the Public Records but that could be ascertained by an inspection of the Land or that may be asserted by persons in possession of the Land.**
- 2. Easements, liens or encumbrances, or claims thereof, not shown by the Public Records.**
- 3. Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the Land and not shown by the Public Records.**
- 4. Any lien, or right to a lien, for services, labor or material heretofore or hereafter furnished, imposed by law and not shown by the Public Records.**
- 5. Defects, liens, encumbrances, adverse claims or other matters, if any, created, first appearing in the public records or attaching subsequent to the effective date hereof but prior to the date of the proposed insured acquires of record for value the estate or interest or mortgage thereon covered by this Commitment.**
- 6. (a) Taxes or assessments that are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the Public Records; (b) proceedings by a public agency that may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the Public Records.**
- 7. (a) Unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (c) water rights, claims or title to water.**
- 8. DEED OF TRUST DATED AUGUST 27, 2020, FROM HOWARD ORONA AND SARAH DEL ORONA TO THE PUBLIC TRUSTEE OF GARFIELD COUNTY, COLORADO FOR THE USE OF FIRST GUARANTY MORTGAGE CORPORATION TO SECURE THE SUM OF \$393,163.00 RECORDED SEPTEMBER 02, 2020, UNDER RECEPTION NO. [941330](#).**
- 9. RIGHT OF PROPRIETOR OF A VEIN OR LODE TO EXTRACT AND REMOVE HIS ORE THEREFROM SHOULD THE SAME BE FOUND TO PENETRATE OR INTERSECT THE PREMISES AS RESERVED IN UNITED STATES PATENT RECORDED APRIL 25, 1896, IN BOOK 12 AT PAGE [419](#).**
- 10. RIGHT OF WAY FOR DITCHES OR CANALS CONSTRUCTED BY THE AUTHORITY OF THE UNITED STATES AS RESERVED IN UNITED STATES PATENT RECORDED APRIL 25, 1896, IN BOOK 12 AT PAGE [419](#).**
- 11. RIGHT OF PROPRIETOR OF A VEIN OR LODE TO EXTRACT AND REMOVE HIS ORE THEREFROM SHOULD THE SAME BE FOUND TO PENETRATE OR INTERSECT THE PREMISES AS RESERVED IN UNITED STATES PATENT RECORDED AUGUST 10, 1911, IN BOOK 71 AT PAGE [489](#).**
- 12. RIGHT OF WAY FOR DITCHES OR CANALS CONSTRUCTED BY THE AUTHORITY OF THE UNITED STATES AS RESERVED IN UNITED STATES PATENT RECORDED AUGUST 10, 1911, IN BOOK 71 AT PAGE [489](#).**

ALTA COMMITMENT
Old Republic National Title Insurance Company
Schedule B, Part II
(Exceptions)

Order Number: GW63016592

13. TERMS, CONDITIONS AND PROVISIONS OF DEED RECORDED JUNE 11, 1895 AT RECEPTION NO. [18466](#).
14. TERMS, CONDITIONS AND PROVISIONS OF DEED TO WILLCOX CANAL COMPANY RECORDED JULY 25, 1908 IN BOOK 62 AT PAGE [284](#).
15. TERMS, CONDITIONS AND PROVISIONS OF DOCUMENT RECORDED FEBRUARY 01, 1982 IN BOOK 592 AT PAGE [44](#).
16. OIL AND GAS LEASE RECORDED DECEMBER 06, 1984 UNDER RECEPTION NO. [357804](#) AND CORRECTED LEASE RECORDED JULY 1, 1986 UNDER RECEPTION NO. [372273](#) AND ANY AND ALL ASSIGNMENTS THEREOF, OR INTEREST THEREIN.
17. TERMS, CONDITIONS AND PROVISIONS OF AFFIDAVIT RECORDED OCTOBER 10, 1986 IN BOOK 696 AT PAGE [853](#).
18. TERMS, CONDITIONS AND PROVISIONS OF AGREEMENT RECORDED JANUARY 29, 1987 IN BOOK 704 AT PAGE [521](#).
19. TERMS, CONDITIONS AND PROVISIONS OF UTILITY EASEMENT RECORDED APRIL 14, 1997 IN BOOK 1015 AT PAGE [317](#).
20. OIL AND GAS LEASE RECORDED SEPTEMBER 12, 1997 UNDER RECEPTION NO. [513554](#), ANY AND ALL ASSIGNMENTS THEREOF OR INTERESTS THEREIN
21. OIL AND GAS LEASE RECORDED SEPTEMBER 12, 1997 UNDER RECEPTION NO. [513555](#), ANY AND ALL ASSIGNMENTS THEREOF OR INTERESTS THEREIN.
22. OIL AND GAS LEASE RECORDED SEPTEMBER 12, 1997 UNDER RECEPTION NO. [513556](#).
23. TERMS, CONDITIONS AND PROVISIONS OF PROPERTY LINE AGREEMENT RECORDED MAY 21, 1999 AT RECEPTION NO. [545908](#).
24. TERMS, CONDITIONS AND PROVISIONS OF RIGHT-OF-WAY GRANT RECORDED FEBRUARY 13, 2001 AT RECEPTION NO. [576016](#), AND RIGHT-OF-WAY GRANT RECORDED JULY 11, 2001, UNDER RECEPTION NO. [584230](#).
25. ALL OIL, GAS, MINERALS AND OTHER MINERAL RIGHTS AS RESERVED IN INSTRUMENT RECORDED JUNE 07, 2001, UNDER RECEPTION NO. [582276](#), AND ANY AND ALL ASSIGNMENTS THEREOF OR INTERESTS THEREIN.
26. TERMS, CONDITIONS AND PROVISIONS OF AGREEMENT RECORDED JANUARY 18, 2002 AT RECEPTION NO. [596008](#).
27. TERMS, RESERVATION, CONDITIONS AND PROVISIONS OF DEED RECORDED APRIL 02, 2002 AT RECEPTION NO. [600444](#) AND [600445](#) AND [600446](#).
28. TERMS, CONDITIONS AND PROVISIONS OF AGREEMENT RECORDED OCTOBER 29, 2003 AT RECEPTION NO. [639649](#) AND [639650](#).
29. TERMS, CONDITIONS AND PROVISIONS OF RESOLUTION NO. 2005-25 RECORDED FEBRUARY 16, 2005 AT RECEPTION NO. [668723](#) AND [668724](#).

ALTA COMMITMENT
Old Republic National Title Insurance Company
Schedule B, Part II
(Exceptions)

Order Number: GW63016592

30. TERMS, CONDITIONS AND PROVISIONS OF PIPELINE RIGHT-OF-WAY RECORDED JUNE 06, 2005 AT RECEPTION NO. [675712](#).
31. TERMS, CONDITIONS AND PROVISIONS OF MEMORANDUM OF SURFACE USE AGREEMENT RECORDED MARCH 16, 2006 AT RECEPTION NO. [694119](#).
32. ALL MINERALS RESERVING TO THE GRANTORS ALL SURFACE RIGHTS AS CONTAINED IN INSTRUMENT RECORDED AUGUST 17, 2006 UNDER RECEPTION NO. [704583](#).
33. TERMS, CONDITIONS AND PROVISIONS OF GRAND OF EASEMENT RECORDED AUGUST 21, 2006 UNDER RECEPTION NO. [704798](#), AND AMENDMENT TO GRAND OF EASEMENT RECORDED JANUARY 25, 2011 AT RECEPTION NO. [797922](#).
34. TERMS, CONDITIONS AND PROVISIONS OF ASSIGNMENT RECORDED OCTOBER 12, 2010 AT RECEPTION NO. [792844](#).
35. TERMS, CONDITIONS AND PROVISIONS OF BOUNDARY AGREEMENT RECORDED MAY 12, 2011 AT RECEPTION NO. [802490](#).
36. TERMS, CONDITIONS AND PROVISIONS OF AGREEMENT AND DEED OF EASEMENT RECORDED MAY 12, 2011 AT RECEPTION NO. [802491](#).
37. TERMS, CONDITIONS AND PROVISIONS OF TOWN OF PARACHUTE ORDINANCE NO. 626 RECORDED JUNE 22, 2011 AT RECEPTION NO. [804235](#).
38. EASEMENTS, CONDITIONS, COVENANTS, RESTRICTIONS, RESERVATIONS AND NOTES ON THE PLAT OF C & C ENERGY CAPITAL RECORDED DECEMBER 6, 2013 UNDER RECEPTION NO. [844690](#).
39. TERMS, CONDITIONS AND PROVISIONS OF PIPELINE EASEMENT AGREEMENT RECORDED NOVEMBER 05, 2014 AT RECEPTION NO. [855697](#).
40. TERMS, CONDITIONS AND PROVISIONS OF PIPELINE EASEMENT AGREEMENT RECORDED MARCH 19, 2018 AT RECEPTION NO. [904514](#) AND [904515](#) AND [904516](#).
41. ANY QUESTION, DISPUTE OR ADVERSE CLAIMS AS TO ANY LOSS OR GAIN OF LAND AS A RESULT OF ANY CHANGE IN THE RIVER BED LOCATION BY NATURAL OR OTHER THAN NATURAL CAUSES, OR ALTERATION THROUGH ANY CAUSE, NATURAL OR UNNATURAL, OF THE CENTER THREAD, BANK, CHANNEL OR FLOW OF WATERS IN THE PARACHUTE CREEK RIVER LYING WITHIN SUBJECT LAND; AND ANY QUESTION AS TO THE LOCATION OF SUCH CENTER THREAD, BED, BANK OR CHANNEL AS A LEGAL DESCRIPTION MONUMENT OR MARKER FOR PURPOSES OF DESCRIBING OR LOCATING SUBJECT LANDS.



LAND TITLE GUARANTEE COMPANY DISCLOSURE STATEMENTS

Note: Pursuant to CRS 10-11-122, notice is hereby given that:

- (A) The Subject real property may be located in a special taxing district.
- (B) A certificate of taxes due listing each taxing jurisdiction will be obtained from the county treasurer of the county in which the real property is located or that county treasurer's authorized agent unless the proposed insured provides written instructions to the contrary. (for an Owner's Policy of Title Insurance pertaining to a sale of residential real property).
- (C) The information regarding special districts and the boundaries of such districts may be obtained from the Board of County Commissioners, the County Clerk and Recorder, or the County Assessor.

Note: Effective September 1, 1997, CRS 30-10-406 requires that all documents received for recording or filing in the clerk and recorder's office shall contain a top margin of at least one inch and a left, right and bottom margin of at least one half of an inch. The clerk and recorder may refuse to record or file any document that does not conform, except that, the requirement for the top margin shall not apply to documents using forms on which space is provided for recording or filing information at the top margin of the document.

Note: Colorado Division of Insurance Regulations 8-1-2 requires that "Every title entity shall be responsible for all matters which appear of record prior to the time of recording whenever the title entity conducts the closing and is responsible for recording or filing of legal documents resulting from the transaction which was closed". Provided that Land Title Guarantee Company conducts the closing of the insured transaction and is responsible for recording the legal documents from the transaction, exception number 5 will not appear on the Owner's Title Policy and the Lenders Policy when issued.

Note: Affirmative mechanic's lien protection for the Owner may be available (typically by deletion of Exception no. 4 of Schedule B, Section 2 of the Commitment from the Owner's Policy to be issued) upon compliance with the following conditions:

- (A) The land described in Schedule A of this commitment must be a single family residence which includes a condominium or townhouse unit.
- (B) No labor or materials have been furnished by mechanics or material-men for purposes of construction on the land described in Schedule A of this Commitment within the past 6 months.
- (C) The Company must receive an appropriate affidavit indemnifying the Company against un-filed mechanic's and material-men's liens.
- (D) The Company must receive payment of the appropriate premium.
- (E) If there has been construction, improvements or major repairs undertaken on the property to be purchased within six months prior to the Date of Commitment, the requirements to obtain coverage for unrecorded liens will include: disclosure of certain construction information; financial information as to the seller, the builder and or the contractor; payment of the appropriate premium fully executed Indemnity Agreements satisfactory to the company, and, any additional requirements as may be necessary after an examination of the aforesaid information by the Company.

No coverage will be given under any circumstances for labor or material for which the insured has contracted for or agreed to pay.

Note: Pursuant to CRS 10-11-123, notice is hereby given:

This notice applies to owner's policy commitments disclosing that a mineral estate has been severed from the surface estate, in Schedule B-2.

- (A) That there is recorded evidence that a mineral estate has been severed, leased, or otherwise conveyed from the surface estate and that there is substantial likelihood that a third party holds some or all interest in oil, gas, other minerals, or geothermal energy in the property; and
- (B) That such mineral estate may include the right to enter and use the property without the surface owner's permission.

Note: Pursuant to CRS 10-1-128(6)(a), It is unlawful to knowingly provide false, incomplete, or misleading facts or information to an insurance company for the purpose of defrauding or attempting to defraud the company. Penalties may include imprisonment, fines, denial of insurance, and civil damages. Any insurance company or agent of an insurance company who knowingly provides false, incomplete, or misleading facts or information to a policyholder or claimant for the purpose of defrauding or attempting to defraud the policyholder or claimant with regard to a settlement or award payable from insurance proceeds shall be reported to the Colorado Division of Insurance within the Department of Regulatory Agencies.

Note: Pursuant to Colorado Division of Insurance Regulations 8-1-3, notice is hereby given of the availability of a closing protection letter for the lender, purchaser, lessee or seller in connection with this transaction.



**JOINT NOTICE OF PRIVACY POLICY OF
LAND TITLE GUARANTEE COMPANY,
LAND TITLE GUARANTEE COMPANY OF SUMMIT COUNTY
LAND TITLE INSURANCE CORPORATION AND
OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY**

This Statement is provided to you as a customer of Land Title Guarantee Company as agent for Land Title Insurance Corporation and Old Republic National Title Insurance Company.

We want you to know that we recognize and respect your privacy expectations and the requirements of federal and state privacy laws. Information security is one of our highest priorities. We recognize that maintaining your trust and confidence is the bedrock of our business. We maintain and regularly review internal and external safeguards against unauthorized access to your non-public personal information ("Personal Information").

In the course of our business, we may collect Personal Information about you from:

- applications or other forms we receive from you, including communications sent through TMX, our web-based transaction management system;
 - your transactions with, or from the services being performed by us, our affiliates, or others;
 - a consumer reporting agency, if such information is provided to us in connection with your transaction;
- and
- The public records maintained by governmental entities that we obtain either directly from those entities, or from our affiliates and non-affiliates.

Our policies regarding the protection of the confidentiality and security of your Personal Information are as follows:

- We restrict access to all Personal Information about you to those employees who need to know that information in order to provide products and services to you.
- We may share your Personal Information with affiliated contractors or service providers who provide services in the course of our business, but only to the extent necessary for these providers to perform their services and to provide these services to you as may be required by your transaction.
- We maintain physical, electronic and procedural safeguards that comply with federal standards to protect your Personal Information from unauthorized access or intrusion.
- Employees who violate our strict policies and procedures regarding privacy are subject to disciplinary action.
- We regularly assess security standards and procedures to protect against unauthorized access to Personal Information.

WE DO NOT DISCLOSE ANY PERSONAL INFORMATION ABOUT YOU WITH ANYONE FOR ANY PURPOSE THAT IS NOT STATED ABOVE OR PERMITTED BY LAW.

Consistent with applicable privacy laws, there are some situations in which Personal Information may be disclosed. We may disclose your Personal Information when you direct or give us permission; when we are required by law to do so, for example, if we are served a subpoena; or when we suspect fraudulent or criminal activities. We also may disclose your Personal Information when otherwise permitted by applicable privacy laws such as, for example, when disclosure is needed to enforce our rights arising out of any agreement, transaction or relationship with you.

Our policy regarding dispute resolution is as follows: Any controversy or claim arising out of or relating to our privacy policy, or the breach thereof, shall be settled by arbitration in accordance with the rules of the American Arbitration Association, and judgment upon the award rendered by the arbitrator(s) may be entered in any court having jurisdiction thereof.



Commitment For Title Insurance

Issued by Old Republic National Title Insurance Corporation

NOTICE

IMPORTANT—READ CAREFULLY: THIS COMMITMENT IS AN OFFER TO ISSUE ONE OR MORE TITLE INSURANCE POLICIES. ALL CLAIMS OR REMEDIES SOUGHT AGAINST THE COMPANY INVOLVING THE CONTENT OF THIS COMMITMENT OR THE POLICY MUST BE BASED SOLELY IN CONTRACT.

THIS COMMITMENT IS NOT AN ABSTRACT OF TITLE, REPORT OF THE CONDITION OF TITLE, LEGAL OPINION, OPINION OF TITLE, OR OTHER REPRESENTATION OF THE STATUS OF TITLE. THE PROCEDURES USED BY THE COMPANY TO DETERMINE INSURABILITY OF THE TITLE, INCLUDING ANY SEARCH AND EXAMINATION, ARE PROPRIETARY TO THE COMPANY, WERE PERFORMED SOLELY FOR THE BENEFIT OF THE COMPANY, AND CREATE NO EXTRACONTRACTUAL LIABILITY TO ANY PERSON, INCLUDING A PROPOSED INSURED.

THE COMPANY'S OBLIGATION UNDER THIS COMMITMENT IS TO ISSUE A POLICY TO A PROPOSED INSURED IDENTIFIED IN SCHEDULE A IN ACCORDANCE WITH THE TERMS AND PROVISIONS OF THIS COMMITMENT. THE COMPANY HAS NO LIABILITY OR OBLIGATION INVOLVING THE CONTENT OF THIS COMMITMENT TO ANY OTHER PERSON. .

COMMITMENT TO ISSUE POLICY

Subject to the Notice; Schedule B, Part I—Requirements; Schedule B, Part II—Exceptions; and the Commitment Conditions, Old Republic National Title Insurance Company, a Minnesota corporation (the "Company"), commits to issue the Policy according to the terms and provisions of this Commitment. This Commitment is effective as of the Commitment Date shown in Schedule A for each Policy described in Schedule A, only when the Company has entered in Schedule A both the specified dollar amount as the Proposed Policy Amount and the name of the Proposed Insured. If all of the Schedule B, Part I—Requirements have not been met within 6 months after the Commitment Date, this Commitment terminates and the Company's liability and obligation end.

COMMITMENT CONDITIONS

1. DEFINITIONS

- (a) "Knowledge" or "Known": Actual or imputed knowledge, but not constructive notice imparted by the Public Records.
- (b) "Land": The land described in Schedule A and affixed improvements that by law constitute real property. The term "Land" does not include any property beyond the lines of the area described in Schedule A, nor any right, title, interest, estate, or easement in abutting streets, roads, avenues, alleys, lanes, ways, or waterways, but this does not modify or limit the extent that a right of access to and from the Land is to be insured by the Policy.
- (c) "Mortgage": A mortgage, deed of trust, or other security instrument, including one evidenced by electronic means authorized by law.
- (d) "Policy": Each contract of title insurance, in a form adopted by the American Land Title Association, issued or to be issued by the Company pursuant to this Commitment.
- (e) "Proposed Insured": Each person identified in Schedule A as the Proposed Insured of each Policy to be issued pursuant to this Commitment.
- (f) "Proposed Policy Amount": Each dollar amount specified in Schedule A as the Proposed Policy Amount of each Policy to be issued pursuant to this Commitment.
- (g) "Public Records": Records established under state statutes at the Commitment Date for the purpose of imparting constructive notice of matters relating to real property to purchasers for value and without Knowledge.
- (h) "Title": The estate or interest described in Schedule A.

2. If all of the Schedule B, Part I—Requirements have not been met within the time period specified in the Commitment to Issue Policy, Commitment terminates and the Company's liability and obligation end.

3. The Company's liability and obligation is limited by and this Commitment is not valid without:

- (a) the Notice;
- (b) the Commitment to Issue Policy;
- (c) the Commitment Conditions;
- (d) Schedule A;
- (e) Schedule B, Part I—Requirements; and
- (f) Schedule B, Part II—Exceptions; and
- (g) a counter-signature by the Company or its issuing agent that may be in electronic form.

4. COMPANY'S RIGHT TO AMEND

The Company may amend this Commitment at any time. If the Company amends this Commitment to add a defect, lien, encumbrance, adverse claim, or other matter recorded in the Public Records prior to the Commitment Date, any liability of the Company is limited by Commitment Condition 5. The Company shall not be liable for any other amendment to this Commitment.

5. LIMITATIONS OF LIABILITY

- (a) The Company's liability under Commitment Condition 4 is limited to the Proposed Insured's actual expense incurred in the interval between the Company's delivery to the Proposed Insured of the Commitment and the delivery of the amended Commitment, resulting from the Proposed Insured's good faith reliance to:
 - i. comply with the Schedule B, Part I—Requirements;
 - ii. eliminate, with the Company's written consent, any Schedule B, Part II—Exceptions; or
 - iii. acquire the Title or create the Mortgage covered by this Commitment.
- (b) The Company shall not be liable under Commitment Condition 5(a) if the Proposed Insured requested the amendment or had Knowledge of the matter and did not notify the Company about it in writing.
- (c) The Company will only have liability under Commitment Condition 4 if the Proposed Insured would not have incurred the expense had the Commitment included the added matter when the Commitment was first delivered to the Proposed Insured.
- (d) The Company's liability shall not exceed the lesser of the Proposed Insured's actual expense incurred in good faith and described in Commitment Conditions 5(a)(i) through 5(a)(iii) or the Proposed Policy Amount.
- (e) The Company shall not be liable for the content of the Transaction Identification Data, if any.

- (f) In no event shall the Company be obligated to issue the Policy referred to in this Commitment unless all of the Schedule B, Part I—Requirements have been met to the satisfaction of the Company.
- (g) In any event, the Company's liability is limited by the terms and provisions of the Policy.

6. LIABILITY OF THE COMPANY MUST BE BASED ON THIS COMMITMENT

- (a) Only a Proposed Insured identified in Schedule A, and no other person, may make a claim under this Commitment.
- (b) Any claim must be based in contract and must be restricted solely to the terms and provisions of this Commitment.
- (c) Until the Policy is issued, this Commitment, as last revised, is the exclusive and entire agreement between the parties with respect to the subject matter of this Commitment and supersedes all prior commitment negotiations, representations, and proposals of any kind, whether written or oral, express or implied, relating to the subject matter of this Commitment.
- (d) The deletion or modification of any Schedule B, Part II—Exception does not constitute an agreement or obligation to provide coverage beyond the terms and provisions of this Commitment or the Policy.
- (e) Any amendment or endorsement to this Commitment must be in writing and authenticated by a person authorized by the Company.
- (f) When the Policy is issued, all liability and obligation under this Commitment will end and the Company's only liability will be under the Policy.

7. IF THIS COMMITMENT HAS BEEN ISSUED BY AN ISSUING AGENT

The issuing agent is the Company's agent only for the limited purpose of issuing title insurance commitments and policies. The issuing agent is not the Company's agent for the purpose of providing closing or settlement services.

8. PRO-FORMA POLICY

The Company may provide, at the request of a Proposed Insured, a pro-forma policy illustrating the coverage that the Company may provide. A pro-forma policy neither reflects the status of Title at the time that the pro-forma policy is delivered to a Proposed Insured, nor is it a commitment to insure.

9. ARBITRATION

The Policy contains an arbitration clause. All arbitrable matters when the Proposed Policy Amount is \$2,000,000 or less shall be arbitrated at the option of either the Company or the Proposed Insured as the exclusive remedy of the parties. A Proposed Insured may review a copy of the arbitration rules at <http://www.alta.org/arbitration>.

IN WITNESS WHEREOF, Land Title Insurance Corporation has caused its corporate name and seal to be affixed by its duly authorized officers on the date shown in Schedule A to be valid when countersigned by a validating officer or other authorized signatory.

Issued by:

Land Title Guarantee Company
3033 East First Avenue Suite 600
Denver, Colorado 80206
303-321-1880



Senior Vice President



OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY
A Stock Company
400 Second Avenue South, Minneapolis, Minnesota 55401
(612) 371-1111

By



President

Attest



Secretary

This page is only a part of a 2016 ALTA® Commitment for Title Insurance issued by Land Title Insurance Corporation. This Commitment is not valid without the Notice; the Commitment to Issue Policy; the Commitment Conditions; Schedule A; Schedule B, Part I—Requirements; and Schedule B, Part II—Exceptions; and a counter-signature by the Company or its issuing agent that may be in electronic form.

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**Land Title Guarantee Company
Customer Distribution**



PREVENT FRAUD - Please remember to call a member of our closing team when initiating a wire transfer or providing wiring instructions.

Order Number: **GW63016594**

Date: **02/18/2021**

Property Address: **TBD COUNTY ROAD 215, PARACHUTE, CO 81635**

PLEASE CONTACT YOUR CLOSER OR CLOSER'S ASSISTANT FOR WIRE TRANSFER INSTRUCTIONS

For Closing Assistance

For Title Assistance

Land Title Garfield County Title Team
901 GRAND AVENUE #202
GLENWOOD SPRINGS, CO 81601
(970) 945-2610 (Work)
(970) 945-4784 (Work Fax)
glenwoodresponse@ltgc.com

Ordering Customer

AGO STUDIOS INC
Attention: CHRISTOPHER GREEN
561 E 6TH ST
PO BOX 6053
EAGLE, CO 81631
(970) 328-9474 (Work)
chris@agostudios.com
Delivered via: Electronic Mail



Land Title Guarantee Company Estimate of Title Fees

Order Number: **GW63016594** Date: **02/18/2021**
Property Address: **TBD COUNTY ROAD 215, PARACHUTE, CO 81635**
Parties: **TO BE DETERMINED BUYER**
IVO E. LINDAUER AND BETTY J. LINDAUER JOINT REVOCABLE TRUST

Visit Land Title's Website at www.ltgc.com for directions to any of our offices.

Estimate of Title insurance Fees	
"TBD" Commitment	\$217.00
Research Income	\$270.00
	Total \$487.00
If Land Title Guarantee Company will be closing this transaction, the fees listed above will be collected at closing.	
Thank you for your order!	

Note: The documents linked in this commitment should be reviewed carefully. These documents, such as covenants conditions and restrictions, may affect the title, ownership and use of the property. You may wish to engage legal assistance in order to fully understand and be aware of the implications of the effect of these documents on your property.

Chain of Title Documents:

[Garfield county recorded 09/24/2020 under reception no. 942484](#)

[Garfield county recorded 06/07/2006 under reception no. 699456](#)

[Garfield county recorded 05/31/2001 under reception no. 582276](#)

[Garfield county recorded 02/10/1997 under reception no. 276777](#)

[Garfield county recorded 03/15/1976 under reception no. 271733](#)

ALTA COMMITMENT

Old Republic National Title Insurance Company

Schedule A

Order Number: GW63016594

Property Address:

TBD COUNTY ROAD 215, PARACHUTE, CO 81635

1. Effective Date:

02/05/2021 at 5:00 P.M.

2. Policy to be Issued and Proposed Insured:

"TBD" Commitment

\$0.00

Proposed Insured:

TO BE DETERMINED BUYER

3. The estate or interest in the land described or referred to in this Commitment and covered herein is:

A FEE SIMPLE

4. Title to the estate or interest covered herein is at the effective date hereof vested in:

IVO E. LINDAUER AND BETTY J. LINDAUER JOINT REVOCABLE TRUST

5. The Land referred to in this Commitment is described as follows:

A PARCEL OF LAND SITUATE IN THE SW1/4SW1/4 OF SECTION 1, IN THE NE1/4NE1/4 SECTION 11 AND IN THE NW1/4 OF SECTION 12, TOWNSHIP 7 SOUTH, RANGE 96 WEST OF THE 6TH P.M., COUNTY OF GARFIELD, STATE OF COLORADO. ALL BEARINGS RELATIVE TO A BEARING OF S88°47'28"W ALONG THE SOUTH LINE OF SAID NW1/4 OF SECTION 12 BETWEEN THE CENTER WEST 1/16 CORNER, A FOUND 3-1/4" ALUMINUM CAP, PLS 18480 AND THE WEST 1/4 CORNER, A FOUND 3-1/4" BLM ALUMINUM CAP, SAID PARCEL OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT SAID WEST 1/4 CORNER; THENCE ALONG THE WEST LINE OF SAID NW1/4 SECTION 12 N00°36'14"W 1369.32 FEET TO THE N1/16 CORNER BETWEEN SAID SECTION 11 AND SECTION 12, A FOUND 3-1/4" BLM ALUMINUM CAP; THENCE S89°31'42"W 1336.95 FEET TO THE NE 1/16 CORNER SAID SECTION 11, A FOUND 3-1/4" BLM ALUMINUM CAP; THENCE ALONG THE WEST LINE OF THE NE1/4NE1/4 SECTION 11 N00°39'00"W 505.69 FEET TO A POINT ON THE SOUTH LINE OF THE PARCEL OF LAND AS DESCRIBED IN BOOK 1387, PAGE 332 OF THE GARFIELD COUNTY CLERK AND RECORDER'S RECORDS; THENCE ALONG SAID SOUTH LINE N90°00'00"E 1652.98 FEET; THENCE ALONG THE EAST LINE OF SAID BOOK 1387, PAGE 332 N00°00'00"W 604.51 FEET; THENCE CONTINUING ALONG SAID EAST LINE N36°04'09"E 94.83 FEET TO A POINT ON THE EAST LINE OF BOOK 898, PAGE 696 OF SAID RECORDS; THENCE ALONG SAID BOOK 898, AT PAGE 696 THE FOLLOWING TWO (2) COURSES:

1.) N34°52'18"E 315.38 FEET

2.) N36°57'59"E 262.19 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY OF COUNTY ROAD NO. 215; THENCE ALONG SAID RIGHT-OF-WAY S48°58'04"E 40.10 FEET; THENCE DEPARTING SAID RIGHT-OF-WAY S36° 57'59"W 258.62 FEET; THENCE S34°52'18"W 204.39 FEET TO A POINT IN THE CENTERLINE OF PARACHUTE CREEK; THENCE ALONG SAID CENTERLINE THE FOLLOWING ELEVEN (11) COURSES:

1.) S55°07'42"E 105.54 FEET

2.) S03°54'46"W 60.40 FEET

3.) S82°00'38"E 71.79 FEET

4.) S41°00'25"E 26.44 FEET

5.) S29°04'06"E 9.58 FEET

6.) S16°35'27"W 31.96 FEET

7.) S54°22'23"W 53.08 FEET

8.) S11°45'24"W 77.83 FEET

ALTA COMMITMENT

Old Republic National Title Insurance Company

Schedule A

Order Number: GW63016594

9.) S09°29'18"W 203.35 FEET

10.) S12°34'10"E 79.65 FEET

11.) S40°59'59"E 36.14 FEET; THENCE DEPARTING SAID CENTERLINE S48°11'56"W 94.40 FEET; THENCE S67°19'03"W 169.54 FEET; THENCE S36°44'28"W 323.18 FEET; THENCE S53°03'08"E 331.81 FEET; THENCE S00°35'14"E 1414.18 FEET TO A POINT ON THE SOUTH LINE OF SAID NW1/4 SECTION 12; THENCE ALONG SAID SOUTH LINE S88°47'28"W 422.62 FEET TO THE POINT OF BEGINNING.

COUNTY OF GARFIELD

STATE OF COLORADO

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ALTA COMMITMENT

Old Republic National Title Insurance Company

Schedule B, Part I

(Requirements)

Order Number: GW63016594

All of the following Requirements must be met:

This proposed Insured must notify the Company in writing of the name of any party not referred to in this Commitment who will obtain an interest in the Land or who will make a loan on the Land. The Company may then make additional Requirements or Exceptions.

Pay the agreed amount for the estate or interest to be insured.

Pay the premiums, fees, and charges for the Policy to the Company.

Documents satisfactory to the Company that convey the Title or create the Mortgage to be insured, or both, must be properly authorized, executed, delivered, and recorded in the Public Records.

THIS COMMITMENT IS FOR INFORMATION ONLY, AND NO POLICY WILL BE ISSUED PURSUANT HERETO.

ALTA COMMITMENT
Old Republic National Title Insurance Company
Schedule B, Part II
(Exceptions)

Order Number: GW63016594

This commitment does not republish any covenants, condition, restriction, or limitation contained in any document referred to in this commitment to the extent that the specific covenant, conditions, restriction, or limitation violates state or federal law based on race, color, religion, sex, sexual orientation, gender identity, handicap, familial status, or national origin.

1. Any facts, rights, interests, or claims thereof, not shown by the Public Records but that could be ascertained by an inspection of the Land or that may be asserted by persons in possession of the Land.
2. Easements, liens or encumbrances, or claims thereof, not shown by the Public Records.
3. Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the Land and not shown by the Public Records.
4. Any lien, or right to a lien, for services, labor or material heretofore or hereafter furnished, imposed by law and not shown by the Public Records.
5. Defects, liens, encumbrances, adverse claims or other matters, if any, created, first appearing in the public records or attaching subsequent to the effective date hereof but prior to the date of the proposed insured acquires of record for value the estate or interest or mortgage thereon covered by this Commitment.
6. (a) Taxes or assessments that are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the Public Records; (b) proceedings by a public agency that may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the Public Records.
7. (a) Unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (c) water rights, claims or title to water.
8. RIGHT OF PROPRIETOR OF A VEIN OR LODE TO EXTRACT AND REMOVE HIS ORE THEREFROM SHOULD THE SAME BE FOUND TO PENETRATE OR INTERSECT THE PREMISES AS RESERVED IN UNITED STATES PATENT RECORDED APRIL 25, 1896, IN BOOK 12 AT PAGE [419](#).
9. RIGHT OF WAY FOR DITCHES OR CANALS CONSTRUCTED BY THE AUTHORITY OF THE UNITED STATES AS RESERVED IN UNITED STATES PATENT RECORDED APRIL 25, 1896, IN BOOK 12 AT PAGE [419](#).
10. RIGHT OF PROPRIETOR OF A VEIN OR LODE TO EXTRACT AND REMOVE HIS ORE THEREFROM SHOULD THE SAME BE FOUND TO PENETRATE OR INTERSECT THE PREMISES AS RESERVED IN UNITED STATES PATENT RECORDED AUGUST 10, 1911, IN BOOK 71 AT PAGE [489](#).
11. RIGHT OF WAY FOR DITCHES OR CANALS CONSTRUCTED BY THE AUTHORITY OF THE UNITED STATES AS RESERVED IN UNITED STATES PATENT RECORDED AUGUST 10, 1911, IN BOOK 71 AT PAGE [489](#).
12. TERMS, CONDITIONS AND PROVISIONS OF DEED RECORDED JUNE 11, 1895 AT RECEPTION NO. [18466](#).
13. TERMS, CONDITIONS AND PROVISIONS OF DEED TO WILLCOX CANAL COMPANY RECORDED JULY 25, 1908 IN BOOK 62 AT PAGE [284](#).

ALTA COMMITMENT
Old Republic National Title Insurance Company
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Order Number: GW63016594

14. TERMS, CONDITIONS AND PROVISIONS OF DOCUMENT RECORDED FEBRUARY 01, 1982 IN BOOK 592 AT PAGE [44](#).
15. OIL AND GAS LEASE RECORDED DECEMBER 06, 1984 UNDER RECEPTION NO. [357804](#) AND CORRECTED LEASE RECORDED JULY 1, 1986 UNDER RECEPTION NO. [372273](#) AND ANY AND ALL ASSIGNMENTS THEREOF, OR INTEREST THEREIN.
16. TERMS, CONDITIONS AND PROVISIONS OF AFFIDAVIT RECORDED OCTOBER 10, 1986 IN BOOK 696 AT PAGE [853](#).
17. TERMS, CONDITIONS AND PROVISIONS OF AGREEMENT RECORDED JANUARY 29, 1987 IN BOOK 704 AT PAGE [521](#).
18. TERMS, CONDITIONS AND PROVISIONS OF UTILITY EASEMENT RECORDED APRIL 14, 1997 IN BOOK 1015 AT PAGE [317](#).
19. OIL AND GAS LEASE RECORDED SEPTEMBER 12, 1997 UNDER RECEPTION NO. [513554](#), ANY AND ALL ASSIGNMENTS THEREOF OR INTERESTS THEREIN
20. OIL AND GAS LEASE RECORDED SEPTEMBER 12, 1997 UNDER RECEPTION NO. [513555](#), ANY AND ALL ASSIGNMENTS THEREOF OR INTERESTS THEREIN.
21. OIL AND GAS LEASE RECORDED SEPTEMBER 12, 1997 UNDER RECEPTION NO. [513556](#).
22. TERMS, CONDITIONS AND PROVISIONS OF PROPERTY LINE AGREEMENT RECORDED MAY 21, 1999 AT RECEPTION NO. [545908](#).
23. TERMS, CONDITIONS AND PROVISIONS OF RIGHT-OF-WAY GRANT RECORDED FEBRUARY 13, 2001 AT RECEPTION NO. [576016](#), AND RIGHT-OF-WAY GRANT RECORDED JULY 11, 2001, UNDER RECEPTION NO. [584230](#).
24. ALL OIL, GAS, MINERALS AND OTHER MINERAL RIGHTS AS RESERVED IN INSTRUMENT RECORDED JUNE 07, 2001, UNDER RECEPTION NO. [582276](#), AND ANY AND ALL ASSIGNMENTS THEREOF OR INTERESTS THEREIN.
25. TERMS, CONDITIONS AND PROVISIONS OF AGREEMENT RECORDED JANUARY 18, 2002 AT RECEPTION NO. [596008](#).
26. TERMS, RESERVATION, CONDITIONS AND PROVISIONS OF DEED RECORDED APRIL 02, 2002 AT RECEPTION NO. [600444](#).
27. TERMS, CONDITIONS AND PROVISIONS OF AGREEMENT RECORDED OCTOBER 29, 2003 AT RECEPTION NO. [639649](#) AND [639650](#).
28. TERMS, CONDITIONS AND PROVISIONS OF RESOLUTION NO. 2005-25 RECORDED FEBRUARY 16, 2005 AT RECEPTION NO. [668723](#) AND [668724](#).
29. TERMS, CONDITIONS AND PROVISIONS OF PIPELINE RIGHT-OF-WAY RECORDED JUNE 06, 2005 AT RECEPTION NO. [675712](#).
30. TERMS, CONDITIONS AND PROVISIONS OF MEMORANDUM OF SURFACE USE AGREEMENT RECORDED MARCH 16, 2006 AT RECEPTION NO. [694119](#).

ALTA COMMITMENT

Old Republic National Title Insurance Company

Schedule B, Part II

(Exceptions)

Order Number: GW63016594

31. ALL MINERALS RESERVING TO THE GRANTORS ALL SURFACE RIGHTS AS CONTAINED IN INSTRUMENT RECORDED AUGUST 17, 2006 UNDER RECEPTION NO. [704583](#).
32. TERMS, CONDITIONS AND PROVISIONS OF GRANT OF EASEMENT RECORDED AUGUST 21, 2006 AT RECEPTION NO. [704794](#), AND AMENDMENT RECORDED JULY 11, 2007 AT RECEPTION NO. [727738](#).
33. EASEMENTS, CONDITIONS, COVENANTS, RESTRICTIONS, RESERVATIONS AND NOTES ON THE PLAT OF C & C ENERGY CAPITAL RECORDED DECEMBER 6, 2013 UNDER RECEPTION NO. [844690](#).
34. TERMS, CONDITIONS AND PROVISIONS OF PIPELINE EASEMENT RECORDED APRIL 04, 2014 AT RECEPTION NO. [847917](#).
35. TERMS, CONDITIONS AND PROVISIONS OF PIPELINE EASEMENT AGREEMENT RECORDED NOVEMBER 05, 2014 AT RECEPTION NO. [855696](#).
36. ANY QUESTION, DISPUTE OR ADVERSE CLAIMS AS TO ANY LOSS OR GAIN OF LAND AS A RESULT OF ANY CHANGE IN THE RIVER BED LOCATION BY NATURAL OR OTHER THAN NATURAL CAUSES, OR ALTERATION THROUGH ANY CAUSE, NATURAL OR UNNATURAL, OF THE CENTER THREAD, BANK, CHANNEL OR FLOW OF WATERS IN THE PARACHUTE CREEK RIVER LYING WITHIN SUBJECT LAND; AND ANY QUESTION AS TO THE LOCATION OF SUCH CENTER THREAD, BED, BANK OR CHANNEL AS A LEGAL DESCRIPTION MONUMENT OR MARKER FOR PURPOSES OF DESCRIBING OR LOCATING SUBJECT LANDS.



LAND TITLE GUARANTEE COMPANY DISCLOSURE STATEMENTS

Note: Pursuant to CRS 10-11-122, notice is hereby given that:

- (A) The Subject real property may be located in a special taxing district.
- (B) A certificate of taxes due listing each taxing jurisdiction will be obtained from the county treasurer of the county in which the real property is located or that county treasurer's authorized agent unless the proposed insured provides written instructions to the contrary. (for an Owner's Policy of Title Insurance pertaining to a sale of residential real property).
- (C) The information regarding special districts and the boundaries of such districts may be obtained from the Board of County Commissioners, the County Clerk and Recorder, or the County Assessor.

Note: Effective September 1, 1997, CRS 30-10-406 requires that all documents received for recording or filing in the clerk and recorder's office shall contain a top margin of at least one inch and a left, right and bottom margin of at least one half of an inch. The clerk and recorder may refuse to record or file any document that does not conform, except that, the requirement for the top margin shall not apply to documents using forms on which space is provided for recording or filing information at the top margin of the document.

Note: Colorado Division of Insurance Regulations 8-1-2 requires that "Every title entity shall be responsible for all matters which appear of record prior to the time of recording whenever the title entity conducts the closing and is responsible for recording or filing of legal documents resulting from the transaction which was closed". Provided that Land Title Guarantee Company conducts the closing of the insured transaction and is responsible for recording the legal documents from the transaction, exception number 5 will not appear on the Owner's Title Policy and the Lenders Policy when issued.

Note: Affirmative mechanic's lien protection for the Owner may be available (typically by deletion of Exception no. 4 of Schedule B, Section 2 of the Commitment from the Owner's Policy to be issued) upon compliance with the following conditions:

- (A) The land described in Schedule A of this commitment must be a single family residence which includes a condominium or townhouse unit.
- (B) No labor or materials have been furnished by mechanics or material-men for purposes of construction on the land described in Schedule A of this Commitment within the past 6 months.
- (C) The Company must receive an appropriate affidavit indemnifying the Company against un-filed mechanic's and material-men's liens.
- (D) The Company must receive payment of the appropriate premium.
- (E) If there has been construction, improvements or major repairs undertaken on the property to be purchased within six months prior to the Date of Commitment, the requirements to obtain coverage for unrecorded liens will include: disclosure of certain construction information; financial information as to the seller, the builder and or the contractor; payment of the appropriate premium fully executed Indemnity Agreements satisfactory to the company, and, any additional requirements as may be necessary after an examination of the aforesaid information by the Company.

No coverage will be given under any circumstances for labor or material for which the insured has contracted for or agreed to pay.

Note: Pursuant to CRS 10-11-123, notice is hereby given:

This notice applies to owner's policy commitments disclosing that a mineral estate has been severed from the surface estate, in Schedule B-2.

- (A) That there is recorded evidence that a mineral estate has been severed, leased, or otherwise conveyed from the surface estate and that there is substantial likelihood that a third party holds some or all interest in oil, gas, other minerals, or geothermal energy in the property; and
- (B) That such mineral estate may include the right to enter and use the property without the surface owner's permission.

Note: Pursuant to CRS 10-1-128(6)(a), It is unlawful to knowingly provide false, incomplete, or misleading facts or information to an insurance company for the purpose of defrauding or attempting to defraud the company. Penalties may include imprisonment, fines, denial of insurance, and civil damages. Any insurance company or agent of an insurance company who knowingly provides false, incomplete, or misleading facts or information to a policyholder or claimant for the purpose of defrauding or attempting to defraud the policyholder or claimant with regard to a settlement or award payable from insurance proceeds shall be reported to the Colorado Division of Insurance within the Department of Regulatory Agencies.

Note: Pursuant to Colorado Division of Insurance Regulations 8-1-3, notice is hereby given of the availability of a closing protection letter for the lender, purchaser, lessee or seller in connection with this transaction.



**JOINT NOTICE OF PRIVACY POLICY OF
LAND TITLE GUARANTEE COMPANY,
LAND TITLE GUARANTEE COMPANY OF SUMMIT COUNTY
LAND TITLE INSURANCE CORPORATION AND
OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY**

This Statement is provided to you as a customer of Land Title Guarantee Company as agent for Land Title Insurance Corporation and Old Republic National Title Insurance Company.

We want you to know that we recognize and respect your privacy expectations and the requirements of federal and state privacy laws. Information security is one of our highest priorities. We recognize that maintaining your trust and confidence is the bedrock of our business. We maintain and regularly review internal and external safeguards against unauthorized access to your non-public personal information ("Personal Information").

In the course of our business, we may collect Personal Information about you from:

- applications or other forms we receive from you, including communications sent through TMX, our web-based transaction management system;
 - your transactions with, or from the services being performed by us, our affiliates, or others;
 - a consumer reporting agency, if such information is provided to us in connection with your transaction;
- and
- The public records maintained by governmental entities that we obtain either directly from those entities, or from our affiliates and non-affiliates.

Our policies regarding the protection of the confidentiality and security of your Personal Information are as follows:

- We restrict access to all Personal Information about you to those employees who need to know that information in order to provide products and services to you.
- We may share your Personal Information with affiliated contractors or service providers who provide services in the course of our business, but only to the extent necessary for these providers to perform their services and to provide these services to you as may be required by your transaction.
- We maintain physical, electronic and procedural safeguards that comply with federal standards to protect your Personal Information from unauthorized access or intrusion.
- Employees who violate our strict policies and procedures regarding privacy are subject to disciplinary action.
- We regularly assess security standards and procedures to protect against unauthorized access to Personal Information.

WE DO NOT DISCLOSE ANY PERSONAL INFORMATION ABOUT YOU WITH ANYONE FOR ANY PURPOSE THAT IS NOT STATED ABOVE OR PERMITTED BY LAW.

Consistent with applicable privacy laws, there are some situations in which Personal Information may be disclosed. We may disclose your Personal Information when you direct or give us permission; when we are required by law to do so, for example, if we are served a subpoena; or when we suspect fraudulent or criminal activities. We also may disclose your Personal Information when otherwise permitted by applicable privacy laws such as, for example, when disclosure is needed to enforce our rights arising out of any agreement, transaction or relationship with you.

Our policy regarding dispute resolution is as follows: Any controversy or claim arising out of or relating to our privacy policy, or the breach thereof, shall be settled by arbitration in accordance with the rules of the American Arbitration Association, and judgment upon the award rendered by the arbitrator(s) may be entered in any court having jurisdiction thereof.



Commitment For Title Insurance

Issued by Old Republic National Title Insurance Corporation

NOTICE

IMPORTANT—READ CAREFULLY: THIS COMMITMENT IS AN OFFER TO ISSUE ONE OR MORE TITLE INSURANCE POLICIES. ALL CLAIMS OR REMEDIES SOUGHT AGAINST THE COMPANY INVOLVING THE CONTENT OF THIS COMMITMENT OR THE POLICY MUST BE BASED SOLELY IN CONTRACT.

THIS COMMITMENT IS NOT AN ABSTRACT OF TITLE, REPORT OF THE CONDITION OF TITLE, LEGAL OPINION, OPINION OF TITLE, OR OTHER REPRESENTATION OF THE STATUS OF TITLE. THE PROCEDURES USED BY THE COMPANY TO DETERMINE INSURABILITY OF THE TITLE, INCLUDING ANY SEARCH AND EXAMINATION, ARE PROPRIETARY TO THE COMPANY, WERE PERFORMED SOLELY FOR THE BENEFIT OF THE COMPANY, AND CREATE NO EXTRACONTRACTUAL LIABILITY TO ANY PERSON, INCLUDING A PROPOSED INSURED.

THE COMPANY'S OBLIGATION UNDER THIS COMMITMENT IS TO ISSUE A POLICY TO A PROPOSED INSURED IDENTIFIED IN SCHEDULE A IN ACCORDANCE WITH THE TERMS AND PROVISIONS OF THIS COMMITMENT. THE COMPANY HAS NO LIABILITY OR OBLIGATION INVOLVING THE CONTENT OF THIS COMMITMENT TO ANY OTHER PERSON. .

COMMITMENT TO ISSUE POLICY

Subject to the Notice; Schedule B, Part I—Requirements; Schedule B, Part II—Exceptions; and the Commitment Conditions, Old Republic National Title Insurance Company, a Minnesota corporation (the "Company"), commits to issue the Policy according to the terms and provisions of this Commitment. This Commitment is effective as of the Commitment Date shown in Schedule A for each Policy described in Schedule A, only when the Company has entered in Schedule A both the specified dollar amount as the Proposed Policy Amount and the name of the Proposed Insured. If all of the Schedule B, Part I—Requirements have not been met within 6 months after the Commitment Date, this Commitment terminates and the Company's liability and obligation end.

COMMITMENT CONDITIONS

1. DEFINITIONS

- (a) "Knowledge" or "Known": Actual or imputed knowledge, but not constructive notice imparted by the Public Records.
- (b) "Land": The land described in Schedule A and affixed improvements that by law constitute real property. The term "Land" does not include any property beyond the lines of the area described in Schedule A, nor any right, title, interest, estate, or easement in abutting streets, roads, avenues, alleys, lanes, ways, or waterways, but this does not modify or limit the extent that a right of access to and from the Land is to be insured by the Policy.
- (c) "Mortgage": A mortgage, deed of trust, or other security instrument, including one evidenced by electronic means authorized by law.
- (d) "Policy": Each contract of title insurance, in a form adopted by the American Land Title Association, issued or to be issued by the Company pursuant to this Commitment.
- (e) "Proposed Insured": Each person identified in Schedule A as the Proposed Insured of each Policy to be issued pursuant to this Commitment.
- (f) "Proposed Policy Amount": Each dollar amount specified in Schedule A as the Proposed Policy Amount of each Policy to be issued pursuant to this Commitment.
- (g) "Public Records": Records established under state statutes at the Commitment Date for the purpose of imparting constructive notice of matters relating to real property to purchasers for value and without Knowledge.
- (h) "Title": The estate or interest described in Schedule A.

2. If all of the Schedule B, Part I—Requirements have not been met within the time period specified in the Commitment to Issue Policy, Commitment terminates and the Company's liability and obligation end.

3. The Company's liability and obligation is limited by and this Commitment is not valid without:

- (a) the Notice;
- (b) the Commitment to Issue Policy;
- (c) the Commitment Conditions;
- (d) Schedule A;
- (e) Schedule B, Part I—Requirements; and
- (f) Schedule B, Part II—Exceptions; and
- (g) a counter-signature by the Company or its issuing agent that may be in electronic form.

4. COMPANY'S RIGHT TO AMEND

The Company may amend this Commitment at any time. If the Company amends this Commitment to add a defect, lien, encumbrance, adverse claim, or other matter recorded in the Public Records prior to the Commitment Date, any liability of the Company is limited by Commitment Condition 5. The Company shall not be liable for any other amendment to this Commitment.

5. LIMITATIONS OF LIABILITY

- (a) The Company's liability under Commitment Condition 4 is limited to the Proposed Insured's actual expense incurred in the interval between the Company's delivery to the Proposed Insured of the Commitment and the delivery of the amended Commitment, resulting from the Proposed Insured's good faith reliance to:
 - i. comply with the Schedule B, Part I—Requirements;
 - ii. eliminate, with the Company's written consent, any Schedule B, Part II—Exceptions; or
 - iii. acquire the Title or create the Mortgage covered by this Commitment.
- (b) The Company shall not be liable under Commitment Condition 5(a) if the Proposed Insured requested the amendment or had Knowledge of the matter and did not notify the Company about it in writing.
- (c) The Company will only have liability under Commitment Condition 4 if the Proposed Insured would not have incurred the expense had the Commitment included the added matter when the Commitment was first delivered to the Proposed Insured.
- (d) The Company's liability shall not exceed the lesser of the Proposed Insured's actual expense incurred in good faith and described in Commitment Conditions 5(a)(i) through 5(a)(iii) or the Proposed Policy Amount.
- (e) The Company shall not be liable for the content of the Transaction Identification Data, if any.

- (f) In no event shall the Company be obligated to issue the Policy referred to in this Commitment unless all of the Schedule B, Part I—Requirements have been met to the satisfaction of the Company.
- (g) In any event, the Company's liability is limited by the terms and provisions of the Policy.

6. LIABILITY OF THE COMPANY MUST BE BASED ON THIS COMMITMENT

- (a) Only a Proposed Insured identified in Schedule A, and no other person, may make a claim under this Commitment.
- (b) Any claim must be based in contract and must be restricted solely to the terms and provisions of this Commitment.
- (c) Until the Policy is issued, this Commitment, as last revised, is the exclusive and entire agreement between the parties with respect to the subject matter of this Commitment and supersedes all prior commitment negotiations, representations, and proposals of any kind, whether written or oral, express or implied, relating to the subject matter of this Commitment.
- (d) The deletion or modification of any Schedule B, Part II—Exception does not constitute an agreement or obligation to provide coverage beyond the terms and provisions of this Commitment or the Policy.
- (e) Any amendment or endorsement to this Commitment must be in writing and authenticated by a person authorized by the Company.
- (f) When the Policy is issued, all liability and obligation under this Commitment will end and the Company's only liability will be under the Policy.

7. IF THIS COMMITMENT HAS BEEN ISSUED BY AN ISSUING AGENT

The issuing agent is the Company's agent only for the limited purpose of issuing title insurance commitments and policies. The issuing agent is not the Company's agent for the purpose of providing closing or settlement services.

8. PRO-FORMA POLICY

The Company may provide, at the request of a Proposed Insured, a pro-forma policy illustrating the coverage that the Company may provide. A pro-forma policy neither reflects the status of Title at the time that the pro-forma policy is delivered to a Proposed Insured, nor is it a commitment to insure.

9. ARBITRATION

The Policy contains an arbitration clause. All arbitrable matters when the Proposed Policy Amount is \$2,000,000 or less shall be arbitrated at the option of either the Company or the Proposed Insured as the exclusive remedy of the parties. A Proposed Insured may review a copy of the arbitration rules at <http://www.alta.org/arbitration>.

IN WITNESS WHEREOF, Land Title Insurance Corporation has caused its corporate name and seal to be affixed by its duly authorized officers on the date shown in Schedule A to be valid when countersigned by a validating officer or other authorized signatory.

Issued by:

Land Title Guarantee Company
3033 East First Avenue Suite 600
Denver, Colorado 80206
303-321-1880



Senior Vice President



OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY
A Stock Company
400 Second Avenue South, Minneapolis, Minnesota 55401
(612) 371-1111

By



President

Attest



Secretary

This page is only a part of a 2016 ALTA® Commitment for Title Insurance issued by Land Title Insurance Corporation. This Commitment is not valid without the Notice; the Commitment to Issue Policy; the Commitment Conditions; Schedule A; Schedule B, Part I—Requirements; and Schedule B, Part II—Exceptions; and a counter-signature by the Company or its issuing agent that may be in electronic form.

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**Land Title Guarantee Company
Customer Distribution**



PREVENT FRAUD - Please remember to call a member of our closing team when initiating a wire transfer or providing wiring instructions.

Order Number: **GW63016593**

Date: **02/19/2021**

Property Address: **929 COUNTY ROAD 215, PARACHUTE, CO 81635**

PLEASE CONTACT YOUR CLOSER OR CLOSER'S ASSISTANT FOR WIRE TRANSFER INSTRUCTIONS

For Closing Assistance

For Title Assistance

Land Title Garfield County Title Team
901 GRAND AVENUE #202
GLENWOOD SPRINGS, CO 81601
(970) 945-2610 (Work)
(970) 945-4784 (Work Fax)
glenwoodresponse@ltgc.com

AGO STUDIOS INC
Attention: CHRISTOPHER GREEN
561 E 6TH ST
PO BOX 6053
EAGLE, CO 81631
(970) 328-9474 (Work)
chris@agostudios.com
Delivered via: Electronic Mail



Land Title Guarantee Company Estimate of Title Fees

Order Number: **GW63016593** Date: **02/19/2021**
Property Address: **929 COUNTY ROAD 215, PARACHUTE, CO
81635**
Parties: **TO BE DETERMINED BUYER
IVO E. LINDAUER AND BETTY J. LINDAUER**

Visit Land Title's Website at www.ltgc.com for directions to any of our offices.

Estimate of Title insurance Fees	
"TBD" Commitment	\$217.00
	Total \$217.00
If Land Title Guarantee Company will be closing this transaction, the fees listed above will be collected at closing.	
Thank you for your order!	

Note: The documents linked in this commitment should be reviewed carefully. These documents, such as covenants conditions and restrictions, may affect the title, ownership and use of the property. You may wish to engage legal assistance in order to fully understand and be aware of the implications of the effect of these documents on your property.

Chain of Title Documents:

[Garfield county recorded 06/07/2006 under reception no. 699456](#)

[Garfield county recorded 05/31/2001 under reception no. 582276](#)

[Garfield county recorded 02/10/1977 under reception no. 276777](#)

[Garfield county recorded 03/15/1976 under reception no. 271733](#)

ALTA COMMITMENT
Old Republic National Title Insurance Company
Schedule A

Order Number: GW63016593

Property Address:

929 COUNTY ROAD 215, PARACHUTE, CO 81635

1. Effective Date:

02/05/2021 at 5:00 P.M.

2. Policy to be Issued and Proposed Insured:

"TBD" Commitment

\$0.00

Proposed Insured:

TO BE DETERMINED BUYER

3. The estate or interest in the land described or referred to in this Commitment and covered herein is:

A FEE SIMPLE

4. Title to the estate or interest covered herein is at the effective date hereof vested in:

IVO E. LINDAUER AND BETTY J. LINDAUER

5. The Land referred to in this Commitment is described as follows:

NOTE: THE FOLLOWING LEGAL DESCRIPTION IS PRELIMINARY AND IS SUBJECT TO CHANGE UPON COMPLIANCE WITH THE REQUIREMENTS UNDER SCHEDULE B-1, HEREIN.

A PORTION OF SECTION 12, TOWNSHIP 7 SOUTH, RANGE 96 WEST.

TO BE FURTHER DEFINED BY A FULL ALTA SURVEY.

COUNTY OF GARFIELD

STATE OF COLORADO

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ALTA COMMITMENT

Old Republic National Title Insurance Company

Schedule B, Part I

(Requirements)

Order Number: GW63016593

All of the following Requirements must be met:

This proposed Insured must notify the Company in writing of the name of any party not referred to in this Commitment who will obtain an interest in the Land or who will make a loan on the Land. The Company may then make additional Requirements or Exceptions.

Pay the agreed amount for the estate or interest to be insured.

Pay the premiums, fees, and charges for the Policy to the Company.

Documents satisfactory to the Company that convey the Title or create the Mortgage to be insured, or both, must be properly authorized, executed, delivered, and recorded in the Public Records.

THIS COMMITMENT IS FOR INFORMATION ONLY, AND NO POLICY WILL BE ISSUED PURSUANT HERETO.

1. PROVIDE LAND TITLE GUARANTEE COMPANY WITH A CURRENT FULL ALTA SURVEY OF SUBJECT PROPERTY. THIS REQUIREMENT IS NECESSARY TO ESTABLISH AN INSURABLE LEGAL DESCRIPTION. UPON REVIEW, ADDITIONAL REQUIREMENTS AND/OR EXCEPTIONS MAY BE NECESSARY.

NOTE: ANY MATTERS DISCLOSED BY SAID SURVEY WILL BE REFLECTED ON SAID POLICY(S) TO BE ISSUED HEREUNDER.

NOTE: LAND TITLE IS NOT RESPONSIBLE FOR ORDERING SAID SURVEY.

ALTA COMMITMENT
Old Republic National Title Insurance Company
Schedule B, Part II
(Exceptions)

Order Number: GW63016593

This commitment does not republish any covenants, condition, restriction, or limitation contained in any document referred to in this commitment to the extent that the specific covenant, conditions, restriction, or limitation violates state or federal law based on race, color, religion, sex, sexual orientation, gender identity, handicap, familial status, or national origin.

1. Any facts, rights, interests, or claims thereof, not shown by the Public Records but that could be ascertained by an inspection of the Land or that may be asserted by persons in possession of the Land.
2. Easements, liens or encumbrances, or claims thereof, not shown by the Public Records.
3. Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the Land and not shown by the Public Records.
4. Any lien, or right to a lien, for services, labor or material heretofore or hereafter furnished, imposed by law and not shown by the Public Records.
5. Defects, liens, encumbrances, adverse claims or other matters, if any, created, first appearing in the public records or attaching subsequent to the effective date hereof but prior to the date of the proposed insured acquires of record for value the estate or interest or mortgage thereon covered by this Commitment.
6. (a) Taxes or assessments that are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the Public Records; (b) proceedings by a public agency that may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the Public Records.
7. (a) Unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (c) water rights, claims or title to water.
8. RIGHT OF PROPRIETOR OF A VEIN OR LODE TO EXTRACT AND REMOVE HIS ORE THEREFROM SHOULD THE SAME BE FOUND TO PENETRATE OR INTERSECT THE PREMISES AS RESERVED IN UNITED STATES PATENT RECORDED APRIL 25, 1896, IN BOOK 12 AT PAGE [419](#).
9. RIGHT OF WAY FOR DITCHES OR CANALS CONSTRUCTED BY THE AUTHORITY OF THE UNITED STATES AS RESERVED IN UNITED STATES PATENT RECORDED APRIL 25, 1896, IN BOOK 12 AT PAGE [419](#).
10. TERMS, CONDITIONS AND PROVISIONS OF DEED RECORDED JUNE 11, 1895 AT RECEPTION NO. [18466](#).
11. TERMS, CONDITIONS AND PROVISIONS OF DEED TO WILLCOX CANAL COMPANY RECORDED JULY 25, 1908 IN BOOK 62 AT PAGE [284](#).
12. TERMS, CONDITIONS AND PROVISIONS OF DOCUMENT RECORDED FEBRUARY 01, 1982 IN BOOK 592 AT PAGE [44](#).
13. OIL AND GAS LEASE RECORDED DECEMBER 06, 1984 UNDER RECEPTION NO. [357804](#) AND CORRECTED LEASE RECORDED JULY 1, 1986 UNDER RECEPTION NO. [372273](#) AND ANY AND ALL ASSIGNMENTS THEREOF, OR INTEREST THEREIN.

ALTA COMMITMENT
Old Republic National Title Insurance Company
Schedule B, Part II
(Exceptions)

Order Number: GW63016593

14. TERMS, CONDITIONS AND PROVISIONS OF AFFIDAVIT RECORDED OCTOBER 10, 1986 IN BOOK 696 AT PAGE [853](#).
15. TERMS, CONDITIONS AND PROVISIONS OF AGREEMENT RECORDED JANUARY 29, 1987 IN BOOK 704 AT PAGE [521](#).
16. TERMS, CONDITIONS AND PROVISIONS OF UTILITY EASEMENT RECORDED APRIL 14, 1997 IN BOOK 1015 AT PAGE [317](#).
17. OIL AND GAS LEASE RECORDED SEPTEMBER 12, 1997 UNDER RECEPTION NO. [513554](#), ANY AND ALL ASSIGNMENTS THEREOF OR INTERESTS THEREIN
18. OIL AND GAS LEASE RECORDED SEPTEMBER 12, 1997 UNDER RECEPTION NO. [513555](#), ANY AND ALL ASSIGNMENTS THEREOF OR INTERESTS THEREIN.
19. OIL AND GAS LEASE RECORDED SEPTEMBER 12, 1997 UNDER RECEPTION NO. [513556](#).
20. TERMS, CONDITIONS AND PROVISIONS OF RIGHT-OF-WAY GRANT RECORDED FEBRUARY 13, 2001 AT RECEPTION NO. [576016](#), AND RIGHT-OF-WAY GRANT RECORDED JULY 11, 2001, UNDER RECEPTION NO. [584230](#).
21. ALL OIL, GAS, MINERALS AND OTHER MINERAL RIGHTS AS RESERVED IN INSTRUMENT RECORDED JUNE 07, 2001, UNDER RECEPTION NO. [582276](#), AND ANY AND ALL ASSIGNMENTS THEREOF OR INTERESTS THEREIN.
22. TERMS, CONDITIONS AND PROVISIONS OF AGREEMENT RECORDED JANUARY 18, 2002 AT RECEPTION NO. [596008](#).
23. TERMS, RESERVATION, CONDITIONS AND PROVISIONS OF DEED RECORDED APRIL 02, 2002 AT RECEPTION NO. [600444](#).
24. ALL OIL, GAS, MINERALS AND OTHER MINERAL RIGHTS AS RESERVED IN INSTRUMENT RECORDED APRIL 02, 2002, UNDER RECEPTION NO. [600445](#), AND ANY AND ALL ASSIGNMENTS THEREOF OR INTERESTS THEREIN.
25. TERMS, CONDITIONS AND PROVISIONS OF AGREEMENT RECORDED OCTOBER 29, 2003 AT RECEPTION NO. [639649](#) AND [639650](#).
26. TERMS, CONDITIONS AND PROVISIONS OF RESOLUTION NO. 2005-25 RECORDED FEBRUARY 16, 2005 AT RECEPTION NO. [668723](#) AND [668724](#).
27. TERMS, CONDITIONS AND PROVISIONS OF PIPELINE RIGHT-OF-WAY RECORDED JUNE 06, 2005 AT RECEPTION NO. [675712](#).
28. TERMS, CONDITIONS AND PROVISIONS OF MEMORANDUM OF SURFACE USE AGREEMENT RECORDED MARCH 16, 2006 AT RECEPTION NO. [694119](#).
29. ALL MINERALS RESERVING TO THE GRANTORS ALL SURFACE RIGHTS AS CONTAINED IN INSTRUMENT RECORDED AUGUST 17, 2006 UNDER RECEPTION NO. [704583](#).
30. TERMS, CONDITIONS AND PROVISIONS OF GRANT OF EASEMENT RECORDED AUGUST 21, 2006 AT RECEPTION NO. [704794](#), AND AMENDMENT RECORDED JULY 11, 2007 AT RECEPTION NO. [727738](#).

ALTA COMMITMENT

Old Republic National Title Insurance Company

Schedule B, Part II

(Exceptions)

Order Number: GW63016593

31. EASEMENTS, CONDITIONS, COVENANTS, RESTRICTIONS, RESERVATIONS AND NOTES ON THE PLAT OF C & C ENERGY CAPITAL RECORDED DECEMBER 6, 2013 UNDER RECEPTION NO. [844690](#).
32. TERMS, CONDITIONS AND PROVISIONS OF PIPELINE EASEMENT RECORDED APRIL 04, 2014 AT RECEPTION NO. [847917](#).
33. TERMS, CONDITIONS AND PROVISIONS OF PIPELINE EASEMENT AGREEMENT RECORDED NOVEMBER 05, 2014 AT RECEPTION NO. [855696](#).
34. ANY QUESTION, DISPUTE OR ADVERSE CLAIMS AS TO ANY LOSS OR GAIN OF LAND AS A RESULT OF ANY CHANGE IN THE RIVER BED LOCATION BY NATURAL OR OTHER THAN NATURAL CAUSES, OR ALTERATION THROUGH ANY CAUSE, NATURAL OR UNNATURAL, OF THE CENTER THREAD, BANK, CHANNEL OR FLOW OF WATERS IN THE PARACHUTE CREEK RIVER LYING WITHIN SUBJECT LAND; AND ANY QUESTION AS TO THE LOCATION OF SUCH CENTER THREAD, BED, BANK OR CHANNEL AS A LEGAL DESCRIPTION MONUMENT OR MARKER FOR PURPOSES OF DESCRIBING OR LOCATING SUBJECT LANDS.
35. ANY LOSS OR DAMAGE DUE TO THE VAGUENESS OF THE DEED AND UNINSURABLE LEGAL DESCRIPTION AS SHOWN ON DEED RECORDED JUNE 7, 2006 UNDER RECEPTION NO. [699456](#).



LAND TITLE GUARANTEE COMPANY DISCLOSURE STATEMENTS

Note: Pursuant to CRS 10-11-122, notice is hereby given that:

- (A) The Subject real property may be located in a special taxing district.
- (B) A certificate of taxes due listing each taxing jurisdiction will be obtained from the county treasurer of the county in which the real property is located or that county treasurer's authorized agent unless the proposed insured provides written instructions to the contrary. (for an Owner's Policy of Title Insurance pertaining to a sale of residential real property).
- (C) The information regarding special districts and the boundaries of such districts may be obtained from the Board of County Commissioners, the County Clerk and Recorder, or the County Assessor.

Note: Effective September 1, 1997, CRS 30-10-406 requires that all documents received for recording or filing in the clerk and recorder's office shall contain a top margin of at least one inch and a left, right and bottom margin of at least one half of an inch. The clerk and recorder may refuse to record or file any document that does not conform, except that, the requirement for the top margin shall not apply to documents using forms on which space is provided for recording or filing information at the top margin of the document.

Note: Colorado Division of Insurance Regulations 8-1-2 requires that "Every title entity shall be responsible for all matters which appear of record prior to the time of recording whenever the title entity conducts the closing and is responsible for recording or filing of legal documents resulting from the transaction which was closed". Provided that Land Title Guarantee Company conducts the closing of the insured transaction and is responsible for recording the legal documents from the transaction, exception number 5 will not appear on the Owner's Title Policy and the Lenders Policy when issued.

Note: Affirmative mechanic's lien protection for the Owner may be available (typically by deletion of Exception no. 4 of Schedule B, Section 2 of the Commitment from the Owner's Policy to be issued) upon compliance with the following conditions:

- (A) The land described in Schedule A of this commitment must be a single family residence which includes a condominium or townhouse unit.
- (B) No labor or materials have been furnished by mechanics or material-men for purposes of construction on the land described in Schedule A of this Commitment within the past 6 months.
- (C) The Company must receive an appropriate affidavit indemnifying the Company against un-filed mechanic's and material-men's liens.
- (D) The Company must receive payment of the appropriate premium.
- (E) If there has been construction, improvements or major repairs undertaken on the property to be purchased within six months prior to the Date of Commitment, the requirements to obtain coverage for unrecorded liens will include: disclosure of certain construction information; financial information as to the seller, the builder and or the contractor; payment of the appropriate premium fully executed Indemnity Agreements satisfactory to the company, and, any additional requirements as may be necessary after an examination of the aforesaid information by the Company.

No coverage will be given under any circumstances for labor or material for which the insured has contracted for or agreed to pay.

Note: Pursuant to CRS 10-11-123, notice is hereby given:

This notice applies to owner's policy commitments disclosing that a mineral estate has been severed from the surface estate, in Schedule B-2.

- (A) That there is recorded evidence that a mineral estate has been severed, leased, or otherwise conveyed from the surface estate and that there is substantial likelihood that a third party holds some or all interest in oil, gas, other minerals, or geothermal energy in the property; and
- (B) That such mineral estate may include the right to enter and use the property without the surface owner's permission.

Note: Pursuant to CRS 10-1-128(6)(a), It is unlawful to knowingly provide false, incomplete, or misleading facts or information to an insurance company for the purpose of defrauding or attempting to defraud the company. Penalties may include imprisonment, fines, denial of insurance, and civil damages. Any insurance company or agent of an insurance company who knowingly provides false, incomplete, or misleading facts or information to a policyholder or claimant for the purpose of defrauding or attempting to defraud the policyholder or claimant with regard to a settlement or award payable from insurance proceeds shall be reported to the Colorado Division of Insurance within the Department of Regulatory Agencies.

Note: Pursuant to Colorado Division of Insurance Regulations 8-1-3, notice is hereby given of the availability of a closing protection letter for the lender, purchaser, lessee or seller in connection with this transaction.



**JOINT NOTICE OF PRIVACY POLICY OF
LAND TITLE GUARANTEE COMPANY,
LAND TITLE GUARANTEE COMPANY OF SUMMIT COUNTY
LAND TITLE INSURANCE CORPORATION AND
OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY**

This Statement is provided to you as a customer of Land Title Guarantee Company as agent for Land Title Insurance Corporation and Old Republic National Title Insurance Company.

We want you to know that we recognize and respect your privacy expectations and the requirements of federal and state privacy laws. Information security is one of our highest priorities. We recognize that maintaining your trust and confidence is the bedrock of our business. We maintain and regularly review internal and external safeguards against unauthorized access to your non-public personal information ("Personal Information").

In the course of our business, we may collect Personal Information about you from:

- applications or other forms we receive from you, including communications sent through TMX, our web-based transaction management system;
 - your transactions with, or from the services being performed by us, our affiliates, or others;
 - a consumer reporting agency, if such information is provided to us in connection with your transaction;
- and
- The public records maintained by governmental entities that we obtain either directly from those entities, or from our affiliates and non-affiliates.

Our policies regarding the protection of the confidentiality and security of your Personal Information are as follows:

- We restrict access to all Personal Information about you to those employees who need to know that information in order to provide products and services to you.
- We may share your Personal Information with affiliated contractors or service providers who provide services in the course of our business, but only to the extent necessary for these providers to perform their services and to provide these services to you as may be required by your transaction.
- We maintain physical, electronic and procedural safeguards that comply with federal standards to protect your Personal Information from unauthorized access or intrusion.
- Employees who violate our strict policies and procedures regarding privacy are subject to disciplinary action.
- We regularly assess security standards and procedures to protect against unauthorized access to Personal Information.

WE DO NOT DISCLOSE ANY PERSONAL INFORMATION ABOUT YOU WITH ANYONE FOR ANY PURPOSE THAT IS NOT STATED ABOVE OR PERMITTED BY LAW.

Consistent with applicable privacy laws, there are some situations in which Personal Information may be disclosed. We may disclose your Personal Information when you direct or give us permission; when we are required by law to do so, for example, if we are served a subpoena; or when we suspect fraudulent or criminal activities. We also may disclose your Personal Information when otherwise permitted by applicable privacy laws such as, for example, when disclosure is needed to enforce our rights arising out of any agreement, transaction or relationship with you.

Our policy regarding dispute resolution is as follows: Any controversy or claim arising out of or relating to our privacy policy, or the breach thereof, shall be settled by arbitration in accordance with the rules of the American Arbitration Association, and judgment upon the award rendered by the arbitrator(s) may be entered in any court having jurisdiction thereof.



Commitment For Title Insurance

Issued by Old Republic National Title Insurance Corporation

NOTICE

IMPORTANT—READ CAREFULLY: THIS COMMITMENT IS AN OFFER TO ISSUE ONE OR MORE TITLE INSURANCE POLICIES. ALL CLAIMS OR REMEDIES SOUGHT AGAINST THE COMPANY INVOLVING THE CONTENT OF THIS COMMITMENT OR THE POLICY MUST BE BASED SOLELY IN CONTRACT.

THIS COMMITMENT IS NOT AN ABSTRACT OF TITLE, REPORT OF THE CONDITION OF TITLE, LEGAL OPINION, OPINION OF TITLE, OR OTHER REPRESENTATION OF THE STATUS OF TITLE. THE PROCEDURES USED BY THE COMPANY TO DETERMINE INSURABILITY OF THE TITLE, INCLUDING ANY SEARCH AND EXAMINATION, ARE PROPRIETARY TO THE COMPANY, WERE PERFORMED SOLELY FOR THE BENEFIT OF THE COMPANY, AND CREATE NO EXTRACONTRACTUAL LIABILITY TO ANY PERSON, INCLUDING A PROPOSED INSURED.

THE COMPANY'S OBLIGATION UNDER THIS COMMITMENT IS TO ISSUE A POLICY TO A PROPOSED INSURED IDENTIFIED IN SCHEDULE A IN ACCORDANCE WITH THE TERMS AND PROVISIONS OF THIS COMMITMENT. THE COMPANY HAS NO LIABILITY OR OBLIGATION INVOLVING THE CONTENT OF THIS COMMITMENT TO ANY OTHER PERSON. .

COMMITMENT TO ISSUE POLICY

Subject to the Notice; Schedule B, Part I—Requirements; Schedule B, Part II—Exceptions; and the Commitment Conditions, Old Republic National Title Insurance Company, a Minnesota corporation (the "Company"), commits to issue the Policy according to the terms and provisions of this Commitment. This Commitment is effective as of the Commitment Date shown in Schedule A for each Policy described in Schedule A, only when the Company has entered in Schedule A both the specified dollar amount as the Proposed Policy Amount and the name of the Proposed Insured. If all of the Schedule B, Part I—Requirements have not been met within 6 months after the Commitment Date, this Commitment terminates and the Company's liability and obligation end.

COMMITMENT CONDITIONS

1. DEFINITIONS

- (a) "Knowledge" or "Known": Actual or imputed knowledge, but not constructive notice imparted by the Public Records.
- (b) "Land": The land described in Schedule A and affixed improvements that by law constitute real property. The term "Land" does not include any property beyond the lines of the area described in Schedule A, nor any right, title, interest, estate, or easement in abutting streets, roads, avenues, alleys, lanes, ways, or waterways, but this does not modify or limit the extent that a right of access to and from the Land is to be insured by the Policy.
- (c) "Mortgage": A mortgage, deed of trust, or other security instrument, including one evidenced by electronic means authorized by law.
- (d) "Policy": Each contract of title insurance, in a form adopted by the American Land Title Association, issued or to be issued by the Company pursuant to this Commitment.
- (e) "Proposed Insured": Each person identified in Schedule A as the Proposed Insured of each Policy to be issued pursuant to this Commitment.
- (f) "Proposed Policy Amount": Each dollar amount specified in Schedule A as the Proposed Policy Amount of each Policy to be issued pursuant to this Commitment.
- (g) "Public Records": Records established under state statutes at the Commitment Date for the purpose of imparting constructive notice of matters relating to real property to purchasers for value and without Knowledge.
- (h) "Title": The estate or interest described in Schedule A.

2. If all of the Schedule B, Part I—Requirements have not been met within the time period specified in the Commitment to Issue Policy, Commitment terminates and the Company's liability and obligation end.

3. The Company's liability and obligation is limited by and this Commitment is not valid without:

- (a) the Notice;
- (b) the Commitment to Issue Policy;
- (c) the Commitment Conditions;
- (d) Schedule A;
- (e) Schedule B, Part I—Requirements; and
- (f) Schedule B, Part II—Exceptions; and
- (g) a counter-signature by the Company or its issuing agent that may be in electronic form.

4. COMPANY'S RIGHT TO AMEND

The Company may amend this Commitment at any time. If the Company amends this Commitment to add a defect, lien, encumbrance, adverse claim, or other matter recorded in the Public Records prior to the Commitment Date, any liability of the Company is limited by Commitment Condition 5. The Company shall not be liable for any other amendment to this Commitment.

5. LIMITATIONS OF LIABILITY

- (a) The Company's liability under Commitment Condition 4 is limited to the Proposed Insured's actual expense incurred in the interval between the Company's delivery to the Proposed Insured of the Commitment and the delivery of the amended Commitment, resulting from the Proposed Insured's good faith reliance to:
 - i. comply with the Schedule B, Part I—Requirements;
 - ii. eliminate, with the Company's written consent, any Schedule B, Part II—Exceptions; or
 - iii. acquire the Title or create the Mortgage covered by this Commitment.
- (b) The Company shall not be liable under Commitment Condition 5(a) if the Proposed Insured requested the amendment or had Knowledge of the matter and did not notify the Company about it in writing.
- (c) The Company will only have liability under Commitment Condition 4 if the Proposed Insured would not have incurred the expense had the Commitment included the added matter when the Commitment was first delivered to the Proposed Insured.
- (d) The Company's liability shall not exceed the lesser of the Proposed Insured's actual expense incurred in good faith and described in Commitment Conditions 5(a)(i) through 5(a)(iii) or the Proposed Policy Amount.
- (e) The Company shall not be liable for the content of the Transaction Identification Data, if any.

- (f) In no event shall the Company be obligated to issue the Policy referred to in this Commitment unless all of the Schedule B, Part I—Requirements have been met to the satisfaction of the Company.
- (g) In any event, the Company's liability is limited by the terms and provisions of the Policy.

6. LIABILITY OF THE COMPANY MUST BE BASED ON THIS COMMITMENT

- (a) Only a Proposed Insured identified in Schedule A, and no other person, may make a claim under this Commitment.
- (b) Any claim must be based in contract and must be restricted solely to the terms and provisions of this Commitment.
- (c) Until the Policy is issued, this Commitment, as last revised, is the exclusive and entire agreement between the parties with respect to the subject matter of this Commitment and supersedes all prior commitment negotiations, representations, and proposals of any kind, whether written or oral, express or implied, relating to the subject matter of this Commitment.
- (d) The deletion or modification of any Schedule B, Part II—Exception does not constitute an agreement or obligation to provide coverage beyond the terms and provisions of this Commitment or the Policy.
- (e) Any amendment or endorsement to this Commitment must be in writing and authenticated by a person authorized by the Company.
- (f) When the Policy is issued, all liability and obligation under this Commitment will end and the Company's only liability will be under the Policy.

7. IF THIS COMMITMENT HAS BEEN ISSUED BY AN ISSUING AGENT

The issuing agent is the Company's agent only for the limited purpose of issuing title insurance commitments and policies. The issuing agent is not the Company's agent for the purpose of providing closing or settlement services.

8. PRO-FORMA POLICY

The Company may provide, at the request of a Proposed Insured, a pro-forma policy illustrating the coverage that the Company may provide. A pro-forma policy neither reflects the status of Title at the time that the pro-forma policy is delivered to a Proposed Insured, nor is it a commitment to insure.

9. ARBITRATION

The Policy contains an arbitration clause. All arbitrable matters when the Proposed Policy Amount is \$2,000,000 or less shall be arbitrated at the option of either the Company or the Proposed Insured as the exclusive remedy of the parties. A Proposed Insured may review a copy of the arbitration rules at <http://www.alta.org/arbitration>.

IN WITNESS WHEREOF, Land Title Insurance Corporation has caused its corporate name and seal to be affixed by its duly authorized officers on the date shown in Schedule A to be valid when countersigned by a validating officer or other authorized signatory.

Issued by:
Land Title Guarantee Company
3033 East First Avenue Suite 600
Denver, Colorado 80206
303-321-1880



Senior Vice President



OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY
A Stock Company
400 Second Avenue South, Minneapolis, Minnesota 55401
(612) 371-1111

By



President

Attest



Secretary

This page is only a part of a 2016 ALTA® Commitment for Title Insurance issued by Land Title Insurance Corporation. This Commitment is not valid without the Notice; the Commitment to Issue Policy; the Commitment Conditions; Schedule A; Schedule B, Part I—Requirements; and Schedule B, Part II—Exceptions; and a counter-signature by the Company or its issuing agent that may be in electronic form.

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ARCHITECTURE | DESIGN | STRATEGY

**TOWN OF PARACHUTE
ZONING APPLICATION
NAMES AND ADDRESSES WITHIN 200' OF PROPERTIES**

Information provided by Garfield County for Parcels 240911100153, 240912200009, and 240912200010.

- ALDERSEA, GERHARDT W & SANDRA K - 925 COUNTY ROAD 215 - PARACHUTE, CO 81635
- BUREAU OF LAND MANAGEMENT - 2300 RIVER FRONTAGE ROAD – SILT, CO 81652
- KUERSTEN, AMY L & KEVIN P - 8499 HIGHWAY 6 & 24 - PARACHUTE, CO 81635
- LINDAUER, IVO E & BETTY J - 269 LODGEPOLE CIRCLE – PARACHUTE, CO 81635
- LINDAUER, IVO E AND BETTY J, JOINT REVOC - 269 LODGEPOLE CIRCLE - PARACHUTE, CO 81635
- LINDAUER, SIDNEY AND RUTH FAMILY TRUST - PO BOX 626 – PARACHUTE, CO 81635-0626
- ORONA, SARAH DEL & HOWARD - 929 COUNTY ROAD 215 – PARACHUTE, CO 81635
- PARACHUTE, TOWN OF - 222 GRAND VALLEY WAY – PARACHUTE, CO 81635
- RADER, HAYDEN - PO BOX 686 - GLENWOOD SPRINGS, CO 81602
- RED POINT LLC - 808 COUNTY ROAD 215 – PARACHUTE, CO 81635
- SOLVAY CHEMICALS, INC - 3737 BUFFALO SPEEDWAY, SUITE 800 – HOUSTON, TX 77098
- TEP ROCKY MOUNTAIN LLC - PO BOX 330 – GAINESVILLE, TX 76241
- XTO ENERGY INC - PO BOX 64106 - SPRING TX 77387

LEGAL NOTICE
Town of Parachute Annexation and Zoning Applications
March 24, 2021

Pursuant to Town of Parachute noticing requirements, you are being provided with the following notice:

Notice of Annexation, and Zoning Application – Town of Parachute, Colorado

This action is for annexation and zoning applications for marijuana cultivation facilities at 929 County Road 215 in Parachute, Colorado.

Garfield County Parcel No's.

240912200009: Section: 12 Township: 7 Range: 96 W2NW4, EXCEPTING ANY PORTION THOSE PARCELS OF LAND BEING DESCRIBED PER REC. NOS. 942484, 930772, 610872, 600446 & 574393 WHICH LIE WITHIN SAID W2NW4. 35.619 ACRES

240912200010: Section: 12 Township: 7 Range: 96 A PARCEL OF LAND CONT. 36.091 AC. +/-, BEING SITUATE IN THE SWSW OF SECTION 1, NENE OF SECTION 11, AND IN THE W2NW OF SECTION 12 AND BEING MORE PARTICULARLY DESCRIBED PER SPECIAL WARRANTY DEED RECEPTION NO. 942484 36.091

240911100153: Section: 11 Township: 7 Range: 96 A PARCEL OF LAND IN THE SW4SW4 OF SEC. 1, SE4SE4 OF SEC. 2, NE4NE4 OF SEC.11, AND NW4NW4 OF SEC. 12 35.163 ACRES

Time and place of public hearings:

Planning Commission Meeting:

Thursday, April 8, 2021 6:30 pm

Parachute Town Hall: 222 Grand Valley Way, Parachute, CO 81635

Town Council Meeting: Thursday, April 15, 2021

Parachute Town Hall: 222 Grand Valley Way, Parachute, CO 81635

Further information can be obtained from:

townofparachute.colorado.gov

The Town of Parachute Community Development Department (970) 665-1147, 222 Grand Valley Way, Parachute, CO 81635

7202 0640 0000 6316 9824

U.S. Postal Service™ CERTIFIED MAIL® RECEIPT

Domestic Mail Only

For delivery information, visit our website at www.usps.com®.

Spring, TX 77382

Certified Mail Fee \$3.60

Extra Services & Fees (check box, add fee as appropriate)

☐ Return Receipt (hardcopy) \$2.85

☐ Return Receipt (electronic) \$0.00

☐ Certified Mail Restricted Delivery \$0.00

☐ Adult Signature Required \$0.00

☐ Adult Signature Restricted Delivery \$0.00

Postage \$0.55

Total Postage and Fees \$7.00

Sent To XTO ENERGY

Street and Apt. No., or PO Box No.

PO BOX 64106

City, State, ZIP+4®

Spring, TX 77382

PS Form 3800, April 2015 PSN 7530-02-000-9047

See Reverse for Instructions

U.S. Postal Service™ CERTIFIED MAIL® RECEIPT

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For delivery information, visit our website at www.usps.com®.

Parachute, CO 81635

Certified Mail Fee \$3.60

Extra Services & Fees (check box, add fee as appropriate)

☐ Return Receipt (hardcopy) \$2.85

☐ Return Receipt (electronic) \$0.00

☐ Certified Mail Restricted Delivery \$0.00

☐ Adult Signature Required \$0.00

☐ Adult Signature Restricted Delivery \$0.00

Postage \$0.55

Total Postage and Fees \$7.00

Sent To TER POINT MTR, LLC

Street and Apt. No., or PO Box No.

PO BOX 390

City, State, ZIP+4®

Parachute, CO 81635

PS Form 3800, April 2015 PSN 7530-02-000-9047

See Reverse for Instructions

7202 0640 0000 6316 9817

U.S. Postal Service™ CERTIFIED MAIL® RECEIPT

Domestic Mail Only

For delivery information, visit our website at www.usps.com®.

Houston, TX 77098

Certified Mail Fee \$3.60

Extra Services & Fees (check box, add fee as appropriate)

☐ Return Receipt (hardcopy) \$2.85

☐ Return Receipt (electronic) \$0.00

☐ Certified Mail Restricted Delivery \$0.00

☐ Adult Signature Required \$0.00

☐ Adult Signature Restricted Delivery \$0.00

Postage \$0.55

Total Postage and Fees \$7.00

Sent To SOLVAY CHEMICALS, INC

Street and Apt. No., or PO Box No.

3131 BUFFALO SPEEDWAY

City, State, ZIP+4®

Houston, TX 77098

PS Form 3800, April 2015 PSN 7530-02-000-9047

See Reverse for Instructions

7202 0640 0000 6316 9794

U.S. Postal Service™ CERTIFIED MAIL® RECEIPT

Domestic Mail Only

For delivery information, visit our website at www.usps.com®.

Parachute, CO 81635

Certified Mail Fee \$3.60

Extra Services & Fees (check box, add fee as appropriate)

☐ Return Receipt (hardcopy) \$2.85

☐ Return Receipt (electronic) \$0.00

☐ Certified Mail Restricted Delivery \$0.00

☐ Adult Signature Required \$0.00

☐ Adult Signature Restricted Delivery \$0.00

Postage \$0.55

Total Postage and Fees \$7.00

Sent To RED POINT LLC

Street and Apt. No., or PO Box No.

808 COUNTRY ROAD 215

City, State, ZIP+4®

Parachute, CO 81635

PS Form 3800, April 2015 PSN 7530-02-000-9047

See Reverse for Instructions

7202 0640 0000 6316 9770

U.S. Postal Service™ CERTIFIED MAIL® RECEIPT

Domestic Mail Only

For delivery information, visit our website at www.usps.com®.

Parachute, CO 81635

Certified Mail Fee \$3.60

Extra Services & Fees (check box, add fee as appropriate)

☐ Return Receipt (hardcopy) \$2.85

☐ Return Receipt (electronic) \$0.00

☐ Certified Mail Restricted Delivery \$0.00

☐ Adult Signature Required \$0.00

☐ Adult Signature Restricted Delivery \$0.00

Postage \$0.55

Total Postage and Fees \$7.00

Sent To TOWN OF PARACHUTE

Street and Apt. No., or PO Box No.

222 GRAND VALLEY WAY

City, State, ZIP+4®

Parachute, CO 81635

PS Form 3800, April 2015 PSN 7530-02-000-9047

See Reverse for Instructions

7202 0640 0000 6316 9787

U.S. Postal Service™ CERTIFIED MAIL® RECEIPT

Domestic Mail Only

For delivery information, visit our website at www.usps.com®.

Glenwood Springs, CO 81602

Certified Mail Fee \$3.60

Extra Services & Fees (check box, add fee as appropriate)

☐ Return Receipt (hardcopy) \$2.85

☐ Return Receipt (electronic) \$0.00

☐ Certified Mail Restricted Delivery \$0.00

☐ Adult Signature Required \$0.00

☐ Adult Signature Restricted Delivery \$0.00

Postage \$0.55

Total Postage and Fees \$7.00

Sent To HAREN KADER

Street and Apt. No., or PO Box No.

PO BOX 686

City, State, ZIP+4®

Glenwood Springs, CO 81602

PS Form 3800, April 2015 PSN 7530-02-000-9047

See Reverse for Instructions

7020 0640 0000 6316 9732

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PS Form 3800, April 2015 PSN 7530-02-000-9047

See Reverse for Instructions

Notice of Annexation, Zoning and Special Use Application
Town of Parachute, Colorado

Applications have been made to the Town of Parachute for Annexation, Zoning, and Special Use Reviews for Marijuana Cultivation Facilities located at 929 County Rd 215, Parachute, CO 81635

1/6

Notice of Annexation, Zoning and Special Use Application
Town of Parachute, Colorado

Garfield Co. Parcel No. 240912200009
Section: 12 Township: 7 Range: 96 W2NW4, excepting any portion those parcels of land being described per rec. nos. 942484, 930772, 610872, 600446 & 574393 which lie within said W2NW4. 35.619 acres.

2/6

Notice of Annexation, Zoning and Special Use Application
Town of Parachute, Colorado

Garfield Co. Parcel No. 240912200010
Section: 12 Township: 7 Range: 96 a parcel being situate in the SWSW of Section 1, NENE of Section 11 and in the W2NW of Section 12 and being more particularly described per special warranty deed reception no. 942484 36.091 acres.

3/6

Notice of Annexation, Zoning and Special Use Application
Town of Parachute, Colorado

Garfield Co. Parcel No.: 240911100153
Section: 11 Township: 7 Range: 96 A parcel of land in the SW4SW4 of SEC. 1, SE4SE4 of SEC. 2, NE4NE4 of SEC. 11, AND NW4NW4 of SEC. 12 35.163 acres.

4/6

NOTICE OF PUBLIC HEARING

5/5

For further information and for a zoom invite Please visit townofparachute.colorado.gov.

All interested persons may appear at said hearing via zoom.
By order of the Local Licensing Authority.
Town of Parachute
Town Council / Community Development Department (970) 665-1147
222 Grand Valley Way, Parachute, CO 81635

Notice of Annexation, Zoning and Special Use Application
Town of Parachute, Colorado

For further information and for a zoom invite Please visit townofparachute.colorado.gov. All interested persons may appear at said hearing via zoom. By order of the Local Licensing Authority. Town of Parachute Town Council / Community Development Department (970) 665-1147
222 Grand Valley Way, Parachute, CO 81635

6/6

NOTICE OF PUBLIC HEARING

1/5

Pursuant to Section 11.100D of the Town of Parachute, Colorado Municipal Code: Notice is hereby given that applications have been made to the local licensing authority of the Town of Parachute, Colorado for new licensing to be authorized for Retail and Medical Marijuana Cultivation Facilities which Permit the cultivation of marijuana on the premise.

NOTICE OF PUBLIC HEARING

2/5

Applicant: RFSCPC-1, LLC
Address of Applicant: 1375 Red Butte Drive, Aspen, CO 81611
Address of proposed Licensed Premise: 929A County Road 215 Parachute, CO 81635
Applicant: RFSCPC-2, LLC
Address of Applicant: 1375 Red Butte Drive, Aspen, CO 81611
Address of proposed Licensed Premise: 929B County Road 215 Parachute, CO 81635

NOTICE OF PUBLIC HEARING

3/5

Applicant: MRW Colorado, LLC
Address of Applicant: 929 F County Road 215 Parachute, CO 81635

Address of proposed Licensed Premise: 929F County Road 215 Parachute, CO 81635

NOTICE OF PUBLIC HEARING

4/5

Applicant: MR Parachute, LLC
Address of Applicant: 929 G County Road 215 Parachute, CO 81635

Address of proposed Licensed Premise: 929G County Road 215 Parachute, CO 81635

Public notice is hereby given that a public hearing will be held on these applications April 15, 2021 at 6:30pm in the Council Chambers in the Parachute Town Hall, and via Zoom for the public.

Notice of Annexation, Zoning and Special Use Application
Town of Parachute, Colorado

Time and place of public hearings:
Planning Commission: April 8, 2021 6:30 pm
Town Council Meeting: April 15, 2021 6:30 pm
222 Grand Valley Way, Parachute, CO 81635
These meetings will be held in the Council Chambers in the Parachute Town Hall, 222 Grand Valley Way, Parachute, CO 81635, and via Zoom for the public.

5/6

**TOWN OF PARACHUTE, COLORADO
PLANNING COMMISSION
RESOLUTION NO. 2021-03-PC**

A RESOLUTION OF THE PLANNING COMMISSION OF THE TOWN OF PARACHUTE, COLORADO, RECOMMENDING THE TOWN COUNCIL APPROVE THE INITIAL ZONING FOR CERTAIN REAL PROPERTY PROPOSED TO BE ANNEXED TO THE TOWN PURSUANT TO THE PETITION FOR ANNEXATION FROM HOWARD AND SARAH ORONA, IVO AND BETTY LINDAUER, AND IVO AND BETTY LINDAUER REVOCABLE TRUST.

WHEREAS, on February 2, 2021, Howard and Sarah Orona, Ivo and Betty Lindauer, and the Ivo and Betty Lindauer Revocable Trust (collectively, the “Petitioner”) filed with the Town Clerk of the Town of Parachute, Colorado, a Petition for Annexation (“Petition”), including annexation map, requesting that the Town Council commence proceedings to annex in to the Town of Parachute certain unincorporated tracts of land located in the County of Garfield, State of Colorado, as described in **Exhibit A** (the “Annexation Property”), attached hereto and incorporated herein by reference; and

WHEREAS, as required by the C.R.S. § 31-12-115 and the Parachute Municipal Code (the “Code”), Petitioner filed an application to zone the Annexation Property as Limited Industrial Zone District; and

WHEREAS, the Planning Commission reviewed the application at a public meeting, finds the Application in conformance with the Section 15.02.210.C of the Code, and recommends the Town Council zone the Annexation Property as Limited Industrial Zone District in accordance with Section 15.02.165 of the Code and as set forth herein.

NOW THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION OF THE TOWN OF PARACHUTE, COLORADO THAT:

Section 1. The Town incorporates the foregoing recitals as findings by the Town Council.

Section 2. The Planning Commission hereby recommends the Town Council zone the Annexation Property as Limited Industrial (LI) Zone District.

SO RESOLVED by a vote a vote of ____ to ____, of the Planning Commission of the Town of Parachute at a regular meeting held at Town Hall in the Town of Parachute, Colorado, on the ____ day of _____, 2021.

**PLANNING COMMISSION OF THE
TOWN OF PARACHUTE, COLORADO**

By _____
Chair

ATTEST:

Lucy Spalenka, Town Clerk



STUART S. MCARTHUR

TOWN MANAGER

Integrity • Respect • Teamwork • Pride • Innovation • Diversity

222 GRAND VALLEY WAY • PARACHUTE, CO 81635 • (970) 285-7630

STAFF REPORT

DATE: April 1, 2021
TO: Town of Parachute Planning Commission
FROM: Jessica Paugh, Community Development Director
SUBJECT: REQUEST FOR SPECIAL USE REVIEWS

Background

PROJECT INFORMATION

Name of Project:..... Orona & Lindauer Annexation
Type of Request:..... Special Use Review
Name of Applicant:..... Chris Green, Ago Studios, Inc
Address:..... PO Box 6053
Eagle, CO 81631
Contact Information:970-285-9474
chris@agostudios.com
Owner:..... Howard & Sarah Orona & Ivo & Better Lindauer
Address:..... 929 CR 215
Parachute, CO 81635
Site Addresses: 929 CR 215 Parachute, CO
General Location: Generally located south of Garfield County Road 215 and
west of Parachute Park Blvd.
PIN: 2409-111-00-153, 2409-122-00-010, & 2409-122-00-009
Existing Zoning:..... Resource Lands (Unincorporated Garfield County)

Surrounding Zoning:

North: Resource Lands (*Unincorporated Garfield County*), General Industrial
South: Public Lands (*Unincorporated Garfield County*), General Industrial
East: General Industrial, Limited Industrial
West: Public Lands (*Unincorporated Garfield County*)

Existing Land Use:..... Single-family residence, agricultural production, vacant
Proposed Land Uses: Medical marijuana optional premises cultivation operation, large
Retail marijuana cultivation facility, large

Surrounding Land Use:

North: Industrial storage, General Agriculture, Residential
South: Public Lands/Open Space (*Unincorporated Garfield County*), Vacant
East: Industrial, Vacant
West: Public Lands/Open Space (*Unincorporated Garfield County*)

Parcel Size: The application requests rezoning of a total of 106.541 acres.

Lindauer Annexation Parcel 1:35.619 acres
Lindauer Annexation Parcel 2:36.090 acres
Orona Annexation Parcel:34.832 acres

Legal Description (subject parcel):

See attached maps for full legal description.

Project Location:

The properties are generally located south of Garfield County Road 215 and west of Parachute Park Boulevard. The parcels, which are not directly adjacent to either roadway, are accessed through a narrow extension of the Lindauer Annexation Parcel that provides access to Garfield County Road 215 to the northeast.

Staff Analysis:

The applicant is requesting Special Use Review approvals to allow 1) medical marijuana optional premises cultivation operation, large and 2) retail marijuana cultivation facility, large on the entirety of the 106.541 acre properties. Both of these uses require a special use review within the LI Zone District. The cultivation and associated operations are proposed to cover a total of 31.25 acres in the proposal and will need approval for the marijuana businesses through the state and town separate from this request.

Attorney Review

Town Attorney, Jeff Conklin has reviewed the request to zone the subject parcel and found no issues.

Recommendations:

Staff recommends that the Planning Commission approve a Resolution recommending approval of the special use requests to allow 1) medical marijuana optional premises cultivation operation, large and 2) retail marijuana cultivation facility, large with the following conditions:

1. Resolve the Garfield County Assessor's comments prior to recording the Annexation Plat with the Garfield County Clerk and Recorder.
2. Resolve the Contracted Town Planner's comments prior to recording the Annexation Plat with the Garfield County Clerk and Recorder

3. The special use approvals are contingent on the Town Council approving the rezoning of the property to Limited Industrial Zone District.
4. Any further development of any of the parcels shall require compliance with all applicable requirements of the Parachute Municipal Code.
5. The property owner(s) may continue using the remaining portion of the property for uses currently used such as single-family residential and hunting uses as allowed within unincorporated Garfield County until such time the property further develops.
6. The owner/operator shall obtain permits for all proposed fences through the Town of Parachute as required and meet the standards set forth in Section 15.04.175 of PMC prior to installation.
7. The owner/operator shall obtain permits for all utility installation and hook ups through the Town of Parachute Building Department.
8. All site lighting shall meet the standards set forth in Section 15.04.180 of PMC.

RECOMMENDED MOTION:

A RESOLUTION OF THE PLANNING COMMISSION OF THE TOWN OF PARACHUTE, COLORADO, RECOMMENDING THE TOWN COUNCIL APPROVE A SPECIAL USE PERMIT FOR A RETAIL MARIJUANA CULTIVATION FACILITY (LARGE) FOR CERTAIN REAL PROPERTY KNOWN AS THE ORONA ANNEXATION PARCEL PROPOSED TO BE ANNEXED TO THE TOWN PURSUANT TO THE PETITION FOR ANNEXATION FROM HOWARD AND SARAH ORONA, IVO AND BETTY LINDAUER, AND IVO AND BETTY LINDAUER REVOCABLE TRUST.

A RESOLUTION OF THE PLANNING COMMISSION OF THE TOWN OF PARACHUTE, COLORADO, RECOMMENDING THE TOWN COUNCIL APPROVE A SPECIAL USE PERMIT FOR A RETAIL MARIJUANA CULTIVATION FACILITY (LARGE) FOR CERTAIN REAL PROPERTY KNOWN AS THE LINDAUER ANNEXATION PARCEL 1 PROPOSED TO BE ANNEXED TO THE TOWN PURSUANT TO THE PETITION FOR ANNEXATION FROM HOWARD AND SARAH ORONA, IVO AND BETTY LINDAUER, AND IVO AND BETTY LINDAUER REVOCABLE TRUST.

A RESOLUTION OF THE PLANNING COMMISSION OF THE TOWN OF PARACHUTE, COLORADO, RECOMMENDING THE TOWN COUNCIL APPROVE A SPECIAL USE PERMIT FOR A RETAIL MARIJUANA CULTIVATION FACILITY (LARGE) FOR CERTAIN REAL PROPERTY KNOWN AS THE LINDAUER ANNEXATION PARCEL 2 PROPOSED TO BE ANNEXED TO THE TOWN PURSUANT TO THE PETITION FOR ANNEXATION FROM HOWARD AND SARAH ORONA, IVO AND BETTY LINDAUER, AND IVO AND BETTY LINDAUER REVOCABLE TRUST.

If you have any additional questions or concerns, please contact me at 970-285-7630.

Project Review

Description of Special Use Review Application:

The applicant is requesting special use review to allow medical marijuana optional premises cultivation operation, large and retail marijuana cultivation facility, large uses on property zoned LI – Limited Industrial. The property is currently in unincorporated Garfield County and zoned Resource Land. The applicant is concurrently petitioning the Town to annex the full 106.5 +/- property and zone it LI - Limited Industrial.

Special Use Review Procedures:

Special Use Review procedures are outlined in Parachute Municipal Code (PMC) 15.01.220. The review process includes a public meeting before the Planning Commission and a public hearing in front of the Town Council. The Planning Commission makes a recommendation to the Town Council on a special use review.

Special Use Review Criteria: (PMC) 15.02.210.C:

In considering an application for a special use, the Planning Commission shall consider:

- Compatibility with surrounding land uses and zone districts. This should include review of traffic impacts, lighting, parking, noise and other potential effects on the surrounding neighborhood and properties.
- Conformance with the Comprehensive Plan.
- The applicant's history of zoning conformance.

Application Analysis:

Existing Land Uses:

The property to be annexed and initially zoned is currently being used to grow and cultivate crops. Over the past few seasons, hemp was grown on the cultivated portions of the property. There is also an existing single-family home on the Orona Annexation Parcel and agricultural outbuildings, sheds, and garages around the properties to support the agricultural uses.

Proposed Land Uses:

The applicant is seeking approval to grow and cultivate medical and retail marijuana on the cultivated portions of the property. This area covers approximately 31.25 acres (29.3%) of the total property. Existing uses such as single-family residence, are proposed to remain. See enclosed maps showing phased approaches and timing of development phases.

The proposed rezoning does appear to be consistent with the overall community balance in uses. However, since at this time, the property owners seek to use a field which is currently and has historically been used for various agricultural products, the only change desired at this time is to allow the outdoor cultivation and growing of marijuana product. Because of this, there are specific uses which the owner has enjoyed historically which they would like to have continue until the property develops further. As such, town staff is agreeable to allowing the following to continue until the property develops further:

1. Hunting on the property;

2. No water rights will be dedicated to the Town at this time since the rights will be needed to irrigate the crops and they will not need to be changed to municipal use for this project at this time;
3. The single-family residence existing on the northeast area of the Orona Annexation Map will be allowed to continue as a second primary use;
4. Dedication of open space will not be required at this time; and
5. Dedication of full width public rights-of-way and associated infrastructure such as water and sewer, will not be required at this time.

Structures:

Hoop houses and on-site containers will be installed during each phase of the project to store and processed the cultivated product. A total of 23 such houses are proposed at build out. Phase one of the project includes central office and security structures. The office is intended to have a toilet facility, however that structure will be designed with a self-containment facility and the operators will have to have the facility pumped as needed. No structure being proposed will require water or sewer services. Because of this, coupled with the limited impact of the proposed use, staff felt that it was appropriate to not require a Site Plan to be submitted. Rather, the site drawings and plan requirements of the State of Colorado licensing process would be acceptable for the Town to document and understand the improvement anticipated on the site.

Parachute Design Guidelines (PDG):

The parcels are not within a defined Character District of the PDG, therefore, there are no additional design guidelines necessary.

Access & Parking:

Access will remain from the northern most portion of this property which is approximately 40' in width extending to County Road 215 right-of-way. This access point is part of Lindauer Annexation Parcel 2 and there is a 40' access and utility easement providing legal access to Orona Annexation Parcel.

The access drive crosses Parachute Creek with a one-lane bridge which has been in its current state for a long period of time. Currently, agricultural vehicles, trucks, and equipment use this driveway to access the fields to the south portions of the property. The number of trips generated by the proposed uses does not significantly change the current usage given that it is still a seasonal agricultural cultivation use which will be planted and harvested similarly to other crops.

Parking spaces will be provided adjacent to the access road between the RFSCP, LLC and MRW parcels. Additional parking spaces are provided at the very south end of the cultivation area. A total of 39 spaces are provided.

Utilities:

The operators will have to extend power to various points of the existing fields to provide power for security lighting, cameras, and other equipment required for the operator to obtain state licenses.

Natural gas service lines will be installed to heat hoop houses and nutrient tanks.

Other utilities such as water and sewer are not proposed to be extended to the property. Staff agrees with this proposal finding that there is no significant increase in activity on the site that requires full restroom facilities or other structures that warrant water and/or sewer services at this time. These services will be extended in the future at the time these properties further develop into a more intense or impactful use which warrants these facilities.

Lighting:

Lighting will be provided pursuant to state regulations for the proper security of the property.

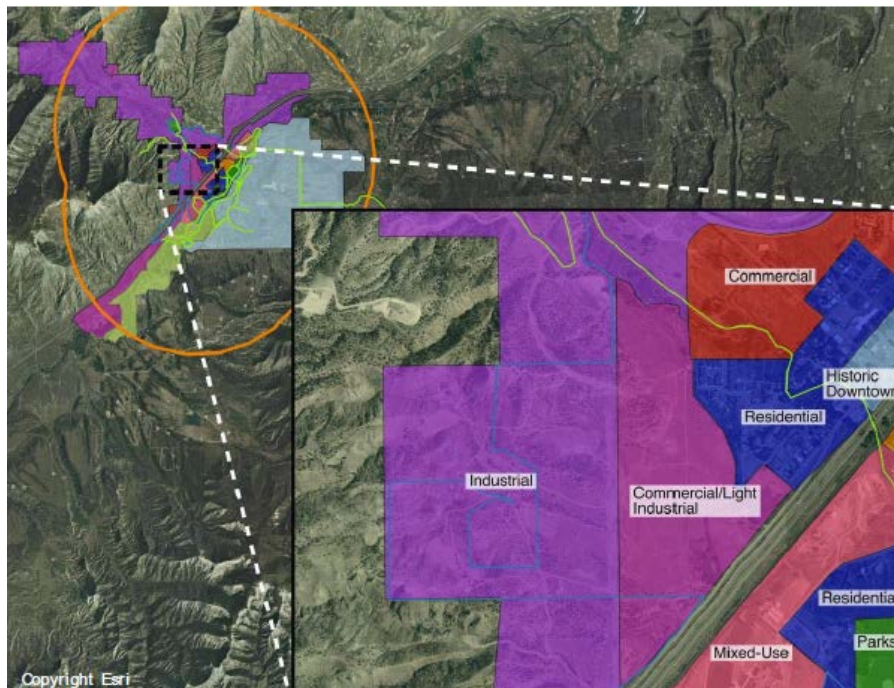
Fencing and Screening:

Security fencing will be installed along the parameter of the licensed premises. An 8-foot chain link fence with screening fabric is proposed at the parameter of each licensed premises areas. Security cameras will be installed at various locations throughout the fence line.

While the fence will require a fence permit and building permit through the Town, the State of Colorado requires fencing to provide security around the licensed premises.

Comprehensive Plan:

This property is located in the West Central Parachute area of the comprehensive plan. The particular area is identified as industrial rendering the request to rezone to Limited Industrial compatible with the future land use depicted in the comprehensive plan.



West Central Parachute, 2015 Comprehensive Plan (pg. 61)

Referral Agency Comments:

The Annexation, Initial Zoning, and Special Use Review requests have been sent to referral agencies as required by the Municipal Annexation Act of 1965 and the Parachute Municipal Code. Comments were received from the following agencies and are attached for your review:

1. Garfield County Sheriff Office
2. Grand Valley Fire Protection District
3. Garfield County Assessor's Office
4. Community Planning Strategies, Town's contracted planner

RECOMMENDATIONS:

Based on the above observations, review, analysis, and findings, staff recommends the Planning Commission recommend **approval** of the Special Use Review request as submitted to the Town Council.

Planning Commission Recommendation Options

The Planning Commission may choose to make the following recommendations to the Town Council:

1. Recommend approval of the Special Use Review as submitted.
2. Recommend approval of the Special Use Review subject to additional conditions.
3. Recommend denial of the Special Use Review.

Enclosures:

1. Application and Supporting Materials
2. Referral Agency Comments



TOWN OF PARACHUTE
P.O. BOX 100
222 GRAND VALLEY WAY
PARACHUTE, CO 81635

LAND USE APPLICATION

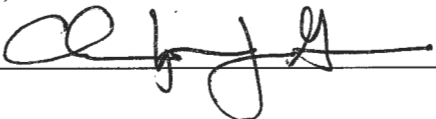
Project Name: DFSCP, LLC / MRAU, LLC SPECIAL USE
Project Site Address/Location: 929 COUNTY ROAD 215, PARACHUTE, CO
Name of Applicant: CHRISTOPHER J. GREEN, FAIA - AGO STUDIOS, INC - AGENT.
Address: PO BOX 6053 EAGLE, CO 81631
Telephone#: 970-328-9414 Fax#: _____ Email: CHRIS@AGOSTUDIOS.COM

Type of Application (check all that apply):

- | | |
|---|---|
| <input type="checkbox"/> Major Subdivision | (Attach Major Subdivision Checklist) |
| <input type="checkbox"/> Resubdivision | (Attach Major Subdivision Checklist) |
| <input type="checkbox"/> Condo Subdivision/Conversion | (Attach Condominium Subdivision Checklist) |
| <input type="checkbox"/> Minor Subdivision | (Attach Minor Subdivision Checklist) |
| <input type="checkbox"/> Plat Correction | (Attach Plat Amendment Checklist) |
| <input type="checkbox"/> Lot Consolidation | (Attach Plat Amendment Checklist) |
| <input type="checkbox"/> Boundary Line Adjustment | (Attach Plat Amendment Checklist) |
| <input checked="" type="checkbox"/> Special Use Permit | (Attach Special Use Permit Checklist) |
| <input type="checkbox"/> Temporary Use Permit | (Attach Temporary Use Permit Checklist) |
| <input type="checkbox"/> Sign Permit | (Attach Sign Permit Checklist) |
| <input type="checkbox"/> Site Plan Review | (Attach Site Plan Review Checklist) |
| <input type="checkbox"/> Rezoning | (Attach Rezoning Checklist) |
| <input type="checkbox"/> Zoning Variance | (Attach Zoning Variance Checklist) |
| <input type="checkbox"/> Floodplain Development Permit | (Attach Floodplain Development Permit Checklist) |
| <input type="checkbox"/> Annexation | (Attach Annexation Checklist) |
| <input type="checkbox"/> Site Specific Development Plan | (Attach Site Specific Development Plan Checklist) |

I/We certify that the information and exhibits herewith are true and correct to the best of my knowledge.

Name: (print) CHRISTOPHER J. GREEN, FAIA

Signature:  Date: 2.22.21

INSTRUCTIONS:

1. Review the relevant sections of the Parachute Land Use Regulations (Title 15 of the Parachute Municipal Code). Visit www.coloradogov/parachutecolorado
2. Read application and associated checklists thoroughly.
3. Complete and submit all of the requested information.
4. Applications not signed and lacking any of the requested information will be deemed incomplete and will not be scheduled for review.*

* * * * APPLICANT NOT TO WRITE BELOW * * * *

DATE

APPLICATION FEE PAID:	_____
APPLICATION RECEIVED:	_____
APPLICATION COMPLETE:*	_____
PLANNING & ZONING HEARING:	_____
BOT HEARING:	_____
PROPERTY POSTING:	_____
MAILINGS:	_____
PUBLICATION:	_____
REFERRAL AGENCIES NOTIFIED:	_____
ADMINISTRATIVE APPROVAL:	_____
P&Z APPROVAL:	_____
BOT APPROVAL:	_____
BOA APPROVAL:	_____
PERFORMANCE GUARANTY POSTED:	_____

* Note: A complete application includes this form, the applicable checklist(s), and all materials requested on the applicable checklist(s).



SPECIAL USE APPLICATION CHECKLIST

Two hard copies and one electronic version of all of the following information shall be submitted with an application for approval of a special use, unless one or more items are specifically waived in writing by the Town Manager:

- ☒ The Land Use Application form provided by the Town Manager.
- ☒ Proof of legal ownership in the form of a current title policy, and the names and addresses of the owners of the property and any lienholder(s).
- ☒ Proof of taxes paid.
- ☒ A cover letter including a statement of the purpose of the application and a brief description of the proposal.
- ☒ A letter of representation, signed and notarized by the property owner(s), for any applicant that is not a property owner.
- ☒ An application fee per the Fee Schedule in Appendix Three.
- ☒ A drawing showing the location of the following:
 - A vicinity map indicating the location and street address (if applicable) of the property.
 - A legal description of the property.
- ☒ All existing and proposed buildings, utilities and other improvements on the property. A building envelope (a portion of the property within which a building may be located) may be shown for proposed buildings to allow minor adjustments.
 - The direction of traffic flows and locations of entries and exits of parking lots and the relationships of parking lots to entrances and exits of any buildings.
 - The location and number of parking spaces for off-street parking and loading areas.
 - The location of service and refuse collection areas.
 - The location of all signs indicating the size, shape and height of each sign.
 - The area and location of open space and recreation areas.
 - The location and type of exterior outdoor lighting.
 - The location of existing and proposed fences,
 - The location of proposed landscaping improvements and other methods of visual screening. Indicate the method of landscape maintenance, and include a list of the type, size, and quantity of landscape plant materials.

In addition to the information listed above, the Town Manager may also require the following:

- ☐ A Final Drainage Study
- ☐ A Final Utility Study
- ☐ A Final Traffic Study



ARCHITECTURE | DESIGN | STRATEGY

FEBRUARY 22, 2021

SPECIAL USE APPLICATION PACKAGE

RFSCP, LLC — MRW, LLC

929 COUNTY ROAD 215

PARACHUTE, COLORADO



agostudios.com
studio |970|328|9474
PO Box 6053
Eagle, Colorado 81631



ARCHITECTURE | DESIGN | STRATEGY

TOWN OF PARACHUTE

RFSCP, LLC / MRW, LLC SPECIAL USE APPLICATION PACKAGE

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February 22, 2021

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Cultivation Area Map

Phased Development Maps

MRW, LLC

Description of operations

Phased Development Maps

Letters of Representation

Proof of taxes paid

Proof of legal ownership

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studio | 970.328.9474
PO Box 6053
Eagle, Colorado 81631



02.22.21

Mr. Stuart McArthur
Town Manager
Town of Parachute
222 Grand Valley Way
Parachute, CO 81635

Re: Special Use Application
Orona / Lindauer Revocable Trust / Lindauer Parcels
Town of Parachute, Colorado

Dear Mr. McArthur,

On behalf of RFSCP, LLC, and MRW, LLC I respectfully submit this application for consideration for approval of special use approvals for the purpose of outdoor cultivation of cannabis on the Orona parcel (Garfield County Parcel No.: 240911100153), Lindauer Revocable Trust parcel (Garfield County Parcel No.: 240912200010), Lindauer parcel (Garfield County Parcel No.: 240912200009) which have been submitted for consideration for annexation into the Town of Parachute.

RFSCP, LLC:

RFSCP, LLC has considerable experience with outdoor cultivation operations gleaned from our existing cultivation operation in Eagle County and our existing cultivation operation in Leadville, Colorado. Our team is experienced, in good standing with the Colorado State Marijuana Enforcement Division (MED), and in good standing within the jurisdictions we operate.

We anticipate cultivating twenty-three (23) acres at full development. The anticipated development of the site will be in three (3) phases beginning with the first phase in the late spring of 2021 if approved.

We anticipate our development phases to generally follow the outline below:

PHASE ONE (Ago Studios Diagram SK-6 — Development Phase 1):

- 1 Western portion of the cultivation area — approximately six (6) acres:
 - A Infrastructure development to include:
 - 1 New power lines and transformer for site electrical distribution;
 - 2 New natural gas distribution lines for heating of hoop houses, and nutrient tanks; and,
 - 3 New work on ditch for irrigation of crops at cultivation area; and
 - 4 Six (6) new 2,500 gallon tanks for nutrient mixing and distribution of nutrients to the new cultivated area to include distribution systems;
 - 5 Installation of six (6) new hoop houses.
 - 6 Installation of new fencing around the perimeter of the Phase One cultivation area.
 - B Installation of new office / self-contained toilet facility at the East area of the proposed cultivation area.
 - C Development of twenty four (24) parking spaces at the Eastern area of the cultivation area.

PHASE TWO (Ago Studios Diagram SK-7 — Development Phase 2):

- 1 Central portion of the cultivation area — approximately nine (9) acres:
 - A Infrastructure development to include:



02.22.21

Town of Parachute
Special Use Letter
Page 2 of 5

- 1 Six (6) new 2,500 gallon tanks for nutrient mixing and distribution of nutrients to the new cultivated area to include distribution systems.
- 2 Eight (8) new hoop houses; and,
- 3 Adjust existing fencing and install new fencing around expanded cultivation area.

PHASE THREE (Ago Studios Diagram SK-8 — Development Phase 3 — Full Build-out):

- 1 Eastern portion of the cultivation area — approximately five and one-half (5.5) acres:
 - A Total cultivation area at this phase: 23 acres
 - B Infrastructure development to include:
 - 1 Eight (8) new 2,500 gallon tanks for nutrient mixing and distribution of nutrients to the new cultivated area to include distribution systems;
 - 2 Six (6) new hoop houses;
 - 3 Possible upgrade of electrical service to address increased power demand from expanded operations; and,
 - 4 Adjust existing fencing and install new fencing around expanded cultivation area.

We anticipate the following operational procedures:

- 1 Parking:
 - A All employees will park in the areas designated for parking on the East end of the site.
- 2 Refuse and refuse collection will occur at the office / barn area on the East end of the site;
- 3 Toilet facilities:
 - 1 We are planning on all toilet facilities to be portable self-contained systems that will be serviced regularly.
 - a One facility will be incorporated into the office / toilet facility that will be placed next to the existing barn in phase one of the development of the site.
 - 2 Trailer mounted facilities will be deployed inside the cultivation areas for convenience for our employees while keeping facilities within a reasonable distance of the working areas. These will be serviced regularly.
- 4 RFSCP, LLC does not anticipate processing plants on this site. We are leasing a facility directly across County Road 215 from this site in which we anticipate all harvested plants will be processed. As such we anticipate a minimal need for buildings on this site with reliance on the building across the street for that work.

Fencing will be constructed to meet the requirements of the Colorado MED. Our fencing will be eight feet (8') high with steel stakes and a chain link fence material with a screen material attached to the fence obscuring the area inside the fencing. A strand of barbed wire will be applied to the top of the fence. See Attached Exhibit A.

In response to the Town of Parachute Special Use Application Checklist I will note the following:

- 1 The attached sheets SK-6 through SK-8 indicate the locations of buildings, structures, improvements and fencing associated with this proposal anticipated in the phased development of the cultivation area.



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Town of Parachute
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2 Traffic Flow and Parking:

A The attached sheets SK-6 through SK-8 indicate site traffic flow, parking and loading areas.

3 Signage: We do not anticipate signage for our operation other than those required by Colorado MED requiring compliance with their regulations.

4 Exterior outdoor lighting: We do not anticipate site lighting other than a couple of small area lights at the man camp and barn for security purposes. Due to the nature of the plants and the manner in which light affects those plants the installed lights will be night sky compliant and most likely on motion sensors with a low spread so as not to negatively impact plants in the ground.

5 Landscaping Improvements: We do not anticipate any landscaping improvements.

6 Visual Screening: Fencing around the perimeter of the cultivation area will be fenced and screened similar to the fencing shown on Exhibit A

MRW, LLC:

On behalf of Brandon Richards and MRW, LLC I respectfully submit this application for consideration for approval of a special use for the purpose of outdoor cultivation of cannabis on the Lindauer parcel (Garfield County Parcel No.: 240912200009) that has been submitted for consideration for annexation into the Town of Parachute.

Two marijuana licenses are being applied for — under separate cover — for this parcel. We anticipate cultivating approximately eleven (11) acres at full development. A majority of the anticipated development of the site will begin in the late spring of 2021 and will be mostly completed in 2021 if approved. Due to the nature of the work and infrastructure development involved there could be further work done throughout 2021 and into 2022 to complete the project.

The work we anticipate completing is illustrated on attached SK-9 and SK-10 for two phases of development prepared by Ago Studios, Inc.

MRW, LLC DEVELOPMENT:

1 Infrastructure development to include:

A New work on ditch for irrigation of crops at cultivation area; and

B Six (6) new 2,500 gallon tanks for nutrient mixing and distribution of nutrients to the new cultivated area to include distribution systems;

C Installation of one (1) new hoop houses.

D Installation of three (3) 8' x 40' containers.

E Installation of new fencing around the perimeter of the cultivation area.

F Installation of portable self-contained toilet facilities.

G Development of eight (8) parking spaces.



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Town of Parachute
Special Use Letter
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MR PARACHUTE, LLC DEVELOPMENT:

- 1 Infrastructure development to include:
 - A New work on ditch for irrigation of crops at cultivation area; and
 - B Six (6) new 2,500 gallon tanks for nutrient mixing and distribution of nutrients to the new cultivated area to include distribution systems;
 - C Installation of two (2) new hoop houses.
 - D Installation of one (1) 8' x 40' container.
 - E Installation of new fencing around the perimeter of the cultivation area.
 - F Installation of portable self-contained toilet facilities.
 - G Development of 20 parking spaces.

An overview of the business operations of Brandon Richards dba MRW, LLC is attached for consideration and review by the Town in support of this application.

We anticipate the following operational procedures for both cultivation areas:

- 1 Parking:
 - A All employees will park in the areas designated for parking for each of the cultivation areas.
- 2 Refuse and refuse collection will occur at the office / barn area on the East end of the site;
- 3 Toilet facilities:
 - 1 We are planning on all toilet facilities to be portable self-contained systems that will be serviced regularly.
 - a Those areas are noted on the attached diagram.
- 4 PLANT PROCESSING COMMENTARY: Plant processing will occur on site in the hoop house and containers.

In response to the Town of Parachute Special Use Application Checklist I will note the following:

- 1 The attached sheets SK-9 and SK-10 indicate the locations of buildings, structures, improvements and fencing associated with this proposal anticipated in the phased development of the cultivation area.
- 2 Traffic Flow and Parking are illustrated on the attached SK-9 and SK-10
- 3 We do not anticipate signage for our operation other than those required by Colorado MED requiring compliance with their regulations.
- 4 Exterior outdoor lighting: We do not anticipate site lighting other than a couple of small area lights at the container and entry gate for security purposes. Due to the nature of the plants and the manner in which light affects those plants the installed lights will be night sky compliant and most likely on motion sensors with a low spread so as not to negatively impact plants in the ground.
- 5 Fencing will be constructed to meet the requirements of the Colorado MED. Our fencing will be eight feet (8') high with steel stakes and a chain link fence material with a screen material attached to the fence obscuring the area inside the fencing. A strand of barbed wire will be applied to the top of the fence.
- 6 Landscaping Improvements: We do not anticipate any landscaping improvements.



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02.22.21

Town of Parachute
Special Use Letter
Page 5 of 5

We believe this application is in substantial compliance with Town of Parachute statutes. We respectfully seek approval of this application to continue our working relationship with the Town of Parachute.

Sincerely,



Christopher J. Green, FAIA
Agent for RFSCP, LLC

agostudios.com
studio | 970.328.9474
PO Box 6053
Eagle, Colorado 81631



ARCHITECTURE | DESIGN | STRATEGY

02.22.21

RFSCP, LLC
Special Use Application
Town of Parachute

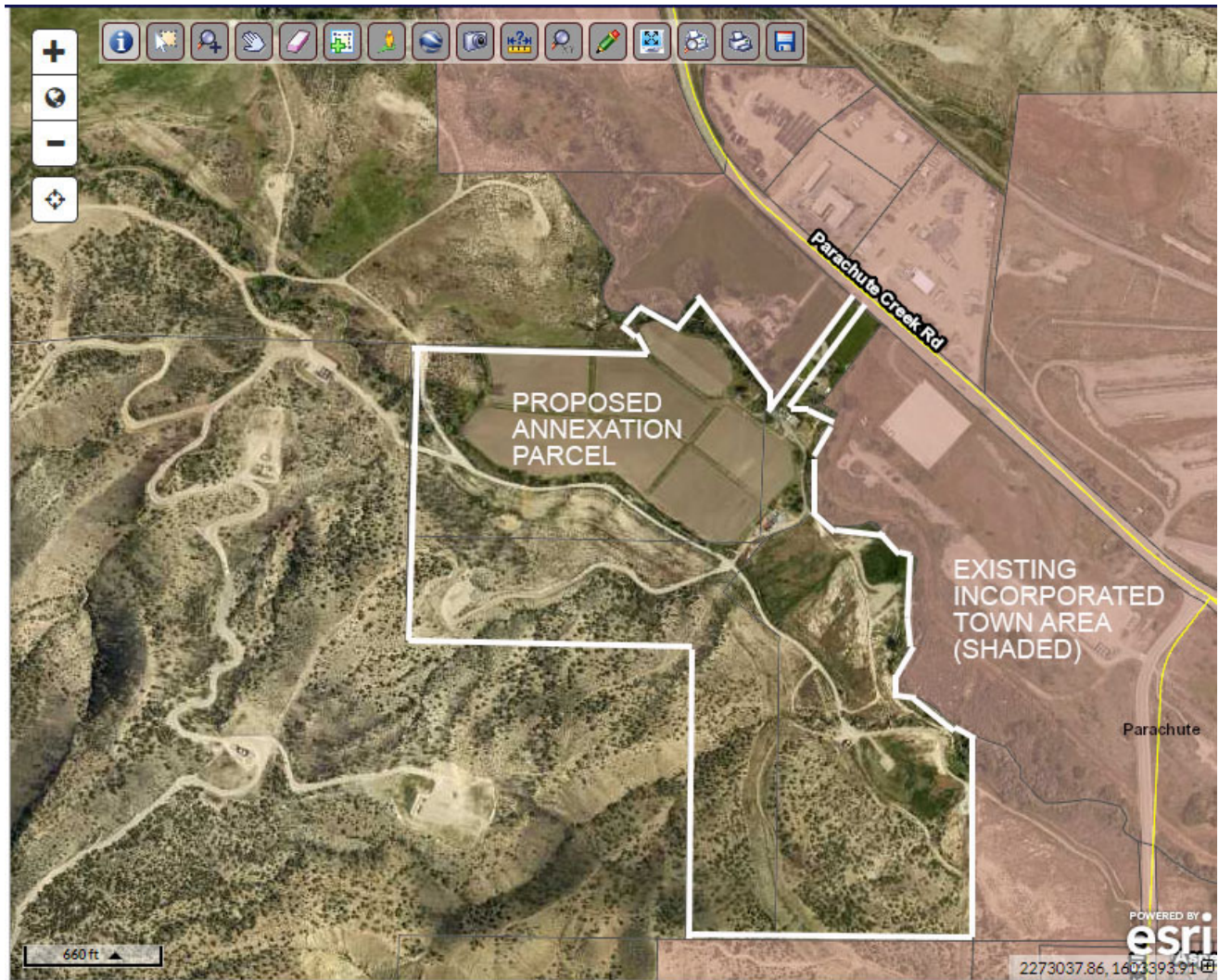
EXHIBIT A



Typical fence construction with security camera

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Eagle, Colorado 81631

02.22.21
RFSCP, LLC — MRW, LLC — SPECIAL USE APPLICATION
VICINITY DIAGRAM



02.22.21
RFSCP, LLC — MRW, LLC — SPECIAL USE APPLICATION
VICINITY DIAGRAM



Garfield County Parcel Number: 240911100153

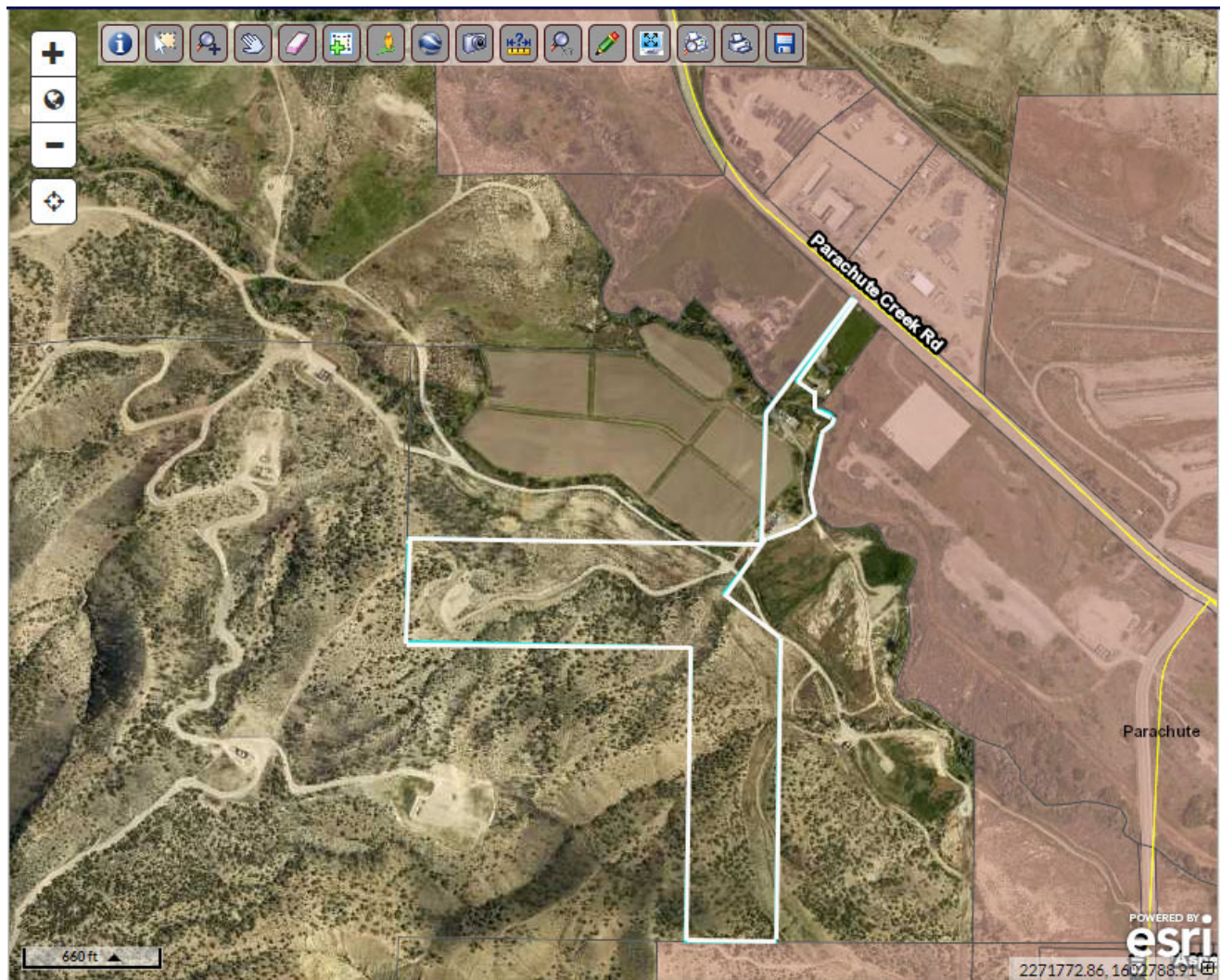
Legal Description: Section: 11 Township: 7 Range: 96 A PARCEL OF LAND IN THE SW4SW4 OF SEC. 1, SE4SE4 OF SEC. 2, NE4NE4 OF SEC. 11, AND NW4NW4 OF SEC. 12 35.163 AC

Current Owner: ORONA, SARAH DEL & HOWARD - 929 COUNTY ROAD 215 - PARACHUTE CO 8163



ARCHITECTURE | DESIGN | STRATEGY

02.22.21
RFSCP, LLC — MRW, LLC — SPECIAL USE APPLICATION
VICINITY DIAGRAM



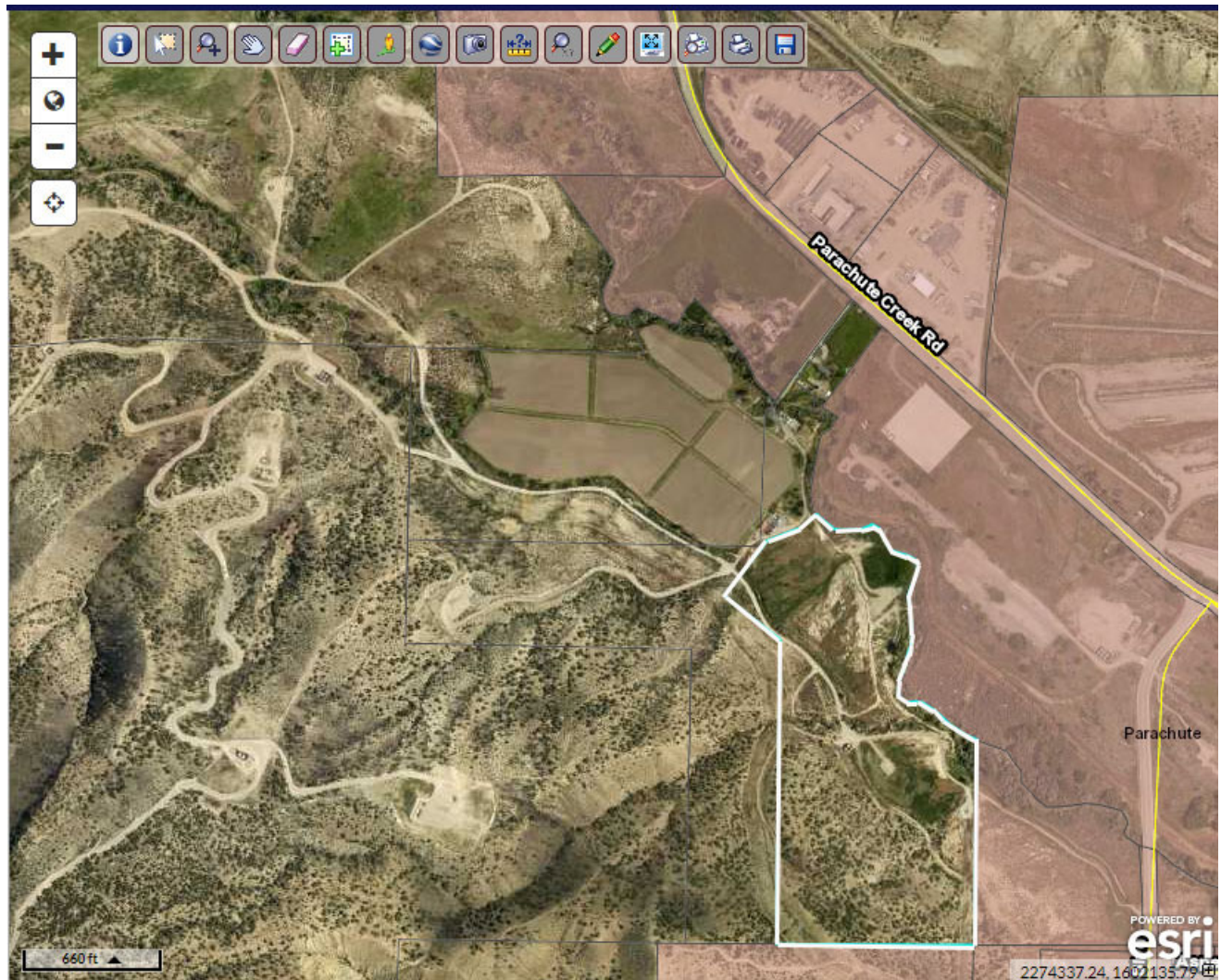
Garfield County Parcel Number: 240912200010

Legal Description: Section: 12 Township: 7 Range: 96 A PARCEL OF LAND CONT. 36.091 AC. +/-, BEING SITUATE IN THE SWSW OF SECTION 1, NENE OF SECTION 11, AND IN THE W2NW OF SECTION 12 AND BEING MORE PARTICULARLY DESCRIBED PER SPECIAL WARRANTY DEED RECEPTION NO. 942484 36.0

Current Owner: LINDAUER, IVO E AND BETTY J, JOINT REVOCABLE TRUST - 269 LODGEPOLE CIRCLE - PARACHUTE CO 81635

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Eagle, Colorado 81631

02.22.21
RFSCP, LLC — MRW, LLC — SPECIAL USE APPLICATION
VICINITY DIAGRAM

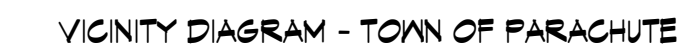


Garfield County Parcel Number: 240912200009

Legal Description: Section: 12 Township: 7 Range: 96 W2NW4, EXCEPTING ANY PORTION THOSE PARCELS OF LAND BEING DESCRIBED PER REC. NOS. 942484, 930772, 610872, 600446 & 574393 WHICH LIE WITHIN SAID W2NW4. 35.619 ACRES

Current Owner: LINDAUER, IVO E & BETTY J - 269 LODGEPOLE CIRCLE - PARACHUTE CO 81635

[illegible]



- AREA LEGEND - PHASE 1
1/4" = 1'-0"

MAP METHODOLOGY - DISCLAIMER

THIS DIAGRAM IS REPRESENTATIVE OF THE SITE AND MAY CONTAIN INACCURACIES OF SCALE, DIMENSION AND CURRENT ACTUAL LOCATION IN RELATION TO SITE ITEMS SHOWN THIS DRAWING.

THIS DIAGRAM CONSISTS OF PARCEL BOUNDARIES PER BOOKGLIFF SURVEY SERVICES - RIFLE CO. SITE ITEMS SHOWN (OTHER THAN PARCEL BOUNDARIES) ARE PLACED PER GOOGLE EARTH - SCALE TRANSFORMED TO THIS VIEW. THIS DIAGRAM PROVIDED FOR PLANNING PURPOSES ONLY.

[illegible]



SITE DIAGRAM NOTES	
NO.	NOTE
S01	HOOPHOUSES 30' x 96'
S02	NEW INTERNAL ACCESS ROADWAY AND UTILITY CORRIDOR
S03	2500 GALLON NUTRIENT TANKS
S04	8 X 40 CONTAINER
S05	NEW POWER DISTRIBUTION TRANSFORMER BY ELECTRIC UTILITY - FINAL LOCATION TO BE COORDINATED WITH UTILITY PROVIDER
S06	APPROX BOUNDARY OF EXISTING CULTIVATED RANCH LAND
S07	EXISTING DITCH
S08	NEW OFFICE / TOILET FACILITY
S09	PARKING SPACES - 9 X 20'
S10	EXISTING BARN BUILDING
S11	EXISTING BUILDINGS TO REMAIN
S12	APPROX BOUNDARY OF GATED LICENSED PREMISES
S13	EXISTING PROP BOUNDARY
S14	APPROX POINT OF GATED ENTRY TO FENCED CULTIVATION AREA
S15	NEW FARM PAT NAT. GAS CONNECTION AT WELLHEAD
S16	8 X 20 SECURITY SHED
S17	8 X 10 TUFF SHED
S18	SCREENED PORTABLE SELF-CONTAINED TOILETS
S19	20' STREAM SEEBACK
S20	MODIFY / REMOVE FENCE AS REQUIRED TO ACCOMMODATE EXPANSION THIS PHASE

MAP METHODOLOGY - DISCLAIMER

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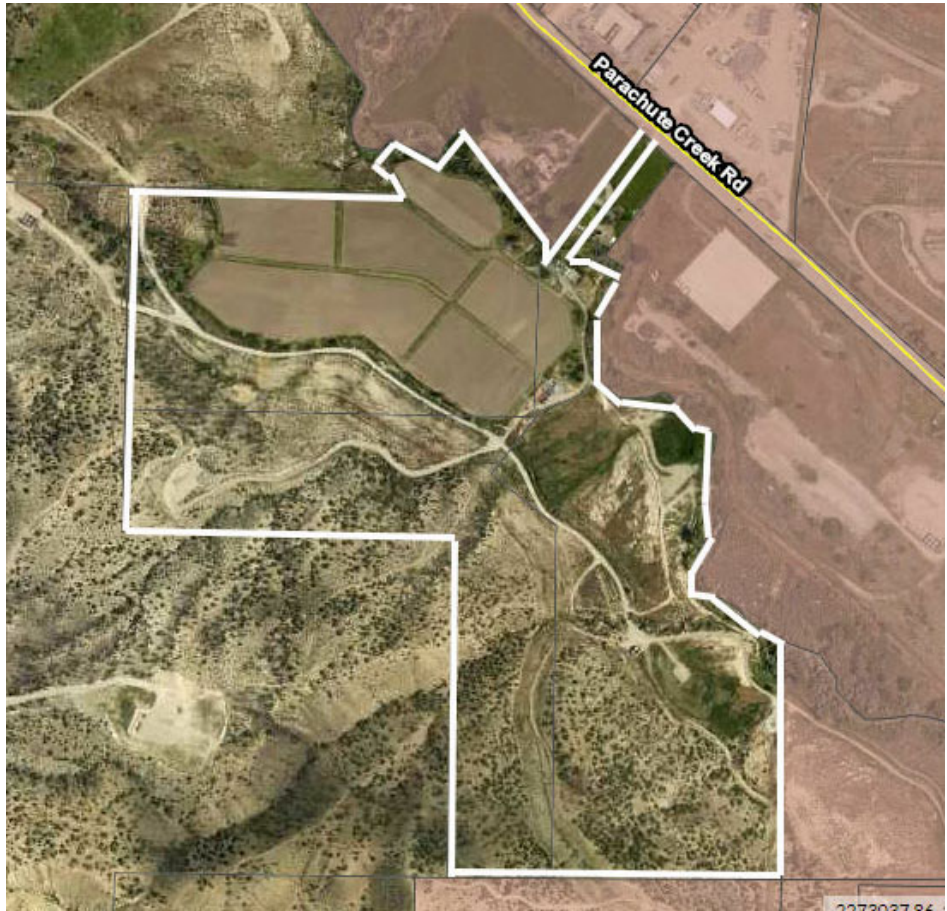
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1 SITE CULTIVATION DIAGRAM - DEVELOPMENT - PH 3
1" = 100'-0"



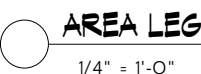
VICINITY DIAGRAM - TOWN OF PARACHUTE



PARCEL DIAGRAM - LINDAUER



RFSCP, LLC - PHASE 3



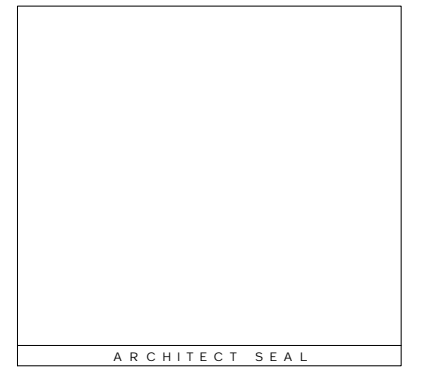
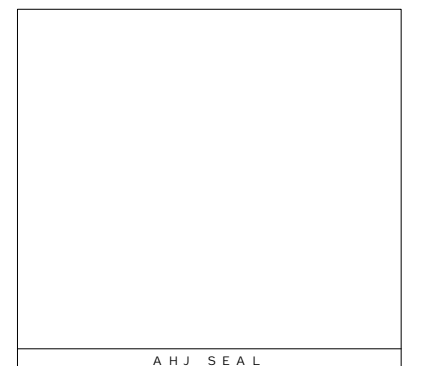
AREA LEGEND - PHASE 3
1/4" = 1'-0"

SITE DIAGRAM NOTES

NO.	NOTE
SO1	HOOPHOUSES 30' x 96'
SO2	NEW INTERNAL ACCESS ROADWAY AND UTILITY CORRIDOR
SO3	2500 GALLON NUTRIENT TANKS
SO4	8 X 40 CONTAINER
SO5	NEW POWER DISTRIBUTION TRANSFORMER BY ELECTRIC UTILITY - FINAL LOCATION TO BE COORDINATED WITH UTILITY PROVIDER.
SO6	APPROX. BOUNDARY OF EXISTING CULTIVATED RANCH LAND
SO7	EXISTING DITCH
SO8	NEW OFFICE / TOILET FACILITY
SO9	PARKING SPACES - 9' X 20'
SO10	EXISTING BARN BUILDING
SO11	EXISTING BUILDINGS TO REMAIN
SO12	APPROX. BOUNDARY OF FENCED LICENSED PREMISES
SO13	EXISTING PROP. BOUNDARY
SO14	APPROX. POINT OF GATED ENTRY TO FENCED CULTIVATION AREA
SO15	NEW FARM TAP NAT. GAS CONNECTION AT WELLHEAD
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Eagle, Colorado 81631



RFSCP, LLC / MRA, LLC
PARACHUTE SITE DEVELOPMENT
925 COUNTY ROAD 215
PARACHUTE, COLORADO 81625

No.	Description	Date
1	SPECIAL USE APP	02/22/21

Sheet Title
DEVELOPMENT -
PHASE 3

PROJ. NO. 2021-02



MRW, LLC Retail and Medical Cultivation

Prepared for: Town of Parachute Colorado
December 17, 2020

Introduction

MRW, LLC is a Colorado company founded in July, 2020 applying for both medical and retail cannabis cultivation licenses. The first year the company intends to grow 1,800 retail plants and 500 medical the maximum allowed on the 1st tier licenses. We intend to grow outdoors on approximately 2.3 acres our first year. We will meet or exceed all State and Town Code requirements for premise safety and security, including but not limited to surveillance, fencing, locks, sustainable farming practices, and METRIC tracking.

Business Overview

MRW intends to cultivate both retail and medical cannabis in Parachute, CO using sustainable farming techniques. The first year the company would possess tier 1 licenses that allow 1,800 retail and 500 medical plants. There will be a separation barrier between the retail and medical plants. MRW intends to plant in soil with 6'x6' spacing for each plant which equates to 64,800 sqf of retail canopy and 18,000 sqf of medical canopy. MRW will use drip line irrigation with approved nutrients injected into the lines, which is far more efficient than flood or overhead irrigating. The company will buy clones and seed our first year from another registered company in the State of Colorado METRIC program. The company intends to construct two high hoop houses sized 40'x20' that will be utilized for cloning, mothering, vegetative, flowering, and drying throughout the year. We will either dry our cannabis onsite or sell the whole plants fresh after they are entered into METRIC system. All transportation of cannabis off the premise will be done by a licensed cannabis transport company.

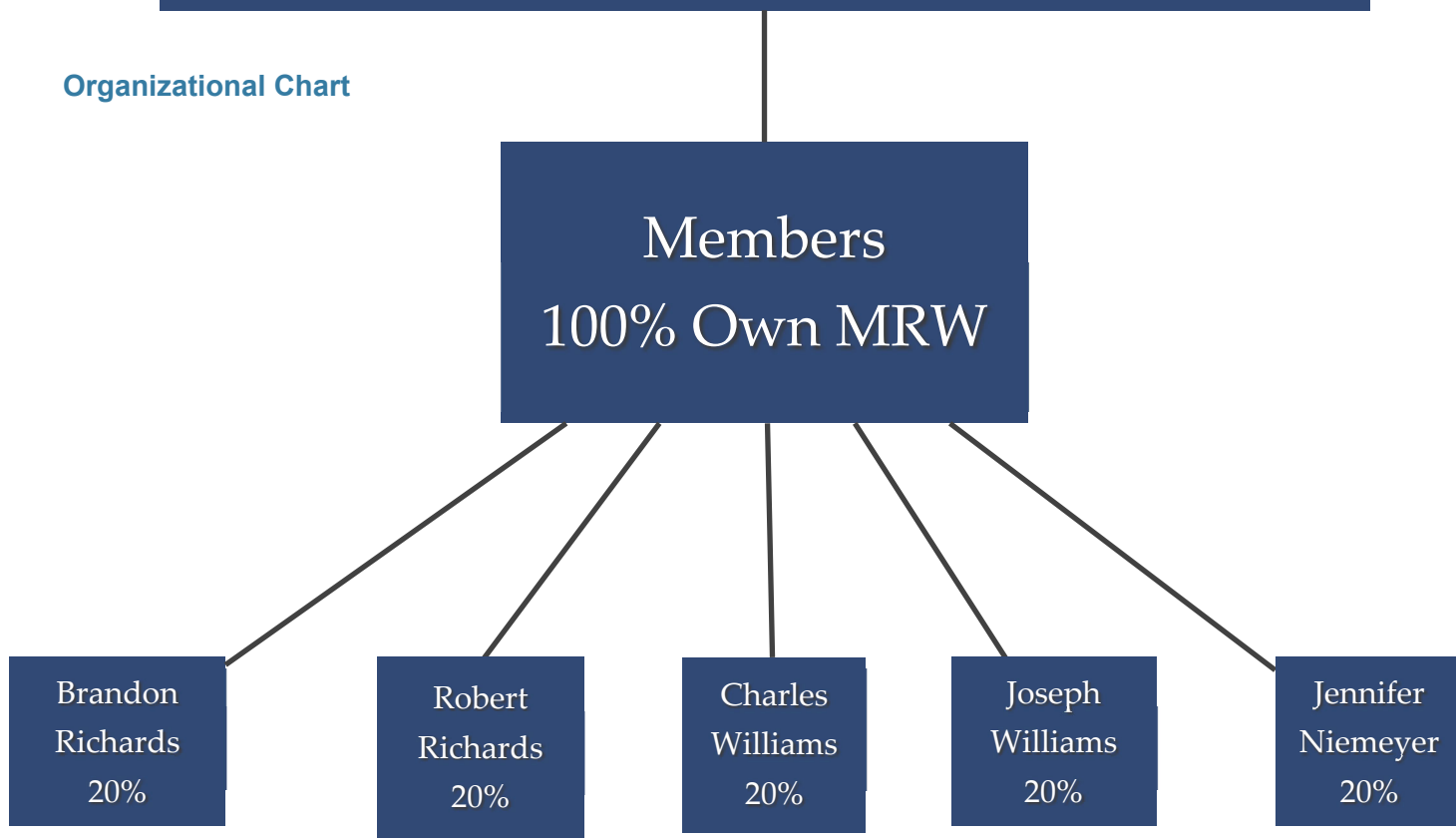
Our business plan revolves around wholesale of the cannabis grown as we do not currently have a product manufacturing facility or dispensary. We plan to wholesale our product through relationships we have in the cannabis space with other licensed manufacturers and dispensaries in Colorado or through licensed brokers in Colorado, all through the METRIC tracking system. MRW, LLC does not plan to engage in the production of retail sale of food or other products containing medical or retail marijuana, and whether any medical or retail marijuana products or services will be provided at a location different than the premises on the license application. The products to be sold by MRW are whole plants, flower, ground flower, pre-rolled joints, and trim.

Ownership

MRW, LLC a Colorado is 100% owned by the members, each of which has obtained a suitability if ownership from the State of Colorado prior to applying for the marijuana business license. None of the owners of the MRW, LLC have ever been denied an application for a medical marijuana establishment or retail marijuana establishment license by the state or any other local jurisdiction in the state, or has ever had such a license suspended or revoked; nor have ever been convicted of a felony or has ever completed any portion of a sentence due to a felony charge. MRW, LLC has a lease in place with Ivo Lindauer and Betty Lindauer, the property owners.

MRW, LLC License Owner

Organizational Chart



SECURITY AND LIGHTING

Fence

MRW will provide sufficient security measures to demonstrate that outdoor areas are not readily accessible by unauthorized individuals. It shall be the responsibility of MRW to maintain physical security in a manner similar to a Medical Marijuana Cultivation Facility or Retail Marijuana Cultivation Facility located in an indoor Limited Access Area so it can be fully secured and alarmed. The fencing shall include, at a minimum, perimeter fencing designed to prevent the general public from entering the Limited Access Areas and will meet at least the following minimum requirements. The entire Limited Access Area will be surrounded by a fence constructed of nine gauge or lower metal chain link fence or another similarly secure material. The fence shall measure at least eight feet from the ground to the top, or in the alternative, the fence may measure six feet from the ground to the top with a 1 foot barbed wire arm with at least three strands along the entire fence. All support posts will be steel and securely anchored. All gates of ingress or egress shall measure at least eight feet from the ground to the top of the entry gate, or in the alternative, the gate may measure six feet from the ground to the top with a 1 foot barbed wire arm with at least three strands, and shall be constructed of nine gauge or lower metal chain link fence or a similarly secure material. The fence will obscure the Limited Access Area so that it is not easily viewed from outside the fence.

Locks

At all points of ingress and egress, MRW shall implement the use of commercial-grade, non-residential door locks as well as follow all Town and State Code.

Waste

All waste removal will follow strict State Code and Town Code.

Lighting

All areas of ingress and egress of the fence shall be illuminated including a 20 foot radius from the point of ingress or egress with motion sensing lights or have cameras with night vision capacity capable of recording a 20 foot radius from the point of ingress or egress.

Alarm Monitoring

The Licensed Premises shall have a Security Alarm System, installed by an Alarm Installation Company, on all perimeter entry points. MRW will ensure that all of its Licensed Premises are continuously monitored. MRW shall maintain up-to-date and current records and existing contracts on the Licensed Premises that describe the location and operation of each Security Alarm System, a schematic of security zones, the name of the Alarm Installation Company, and the name of any Monitoring Company. MRW shall make available to agents of the Division or relevant Local Licensing Authority or Local Jurisdiction or state or local law enforcement agency, for a purpose authorized by the Marijuana Code or for any other state or local law enforcement purpose, all information related to Security Alarm Systems, Monitoring, and alarm activity.

Surveillance

MRW will install a fully operational video surveillance and camera recording system. The recording system will record in digital format and meet the requirements outlined in the state rules. All video surveillance records and recordings will be stored in a secure area that is only accessible to a MRW's management staff. Video surveillance records and recordings will be made available upon request to the Division, the relevant Local Licensing Authority or Local Jurisdiction, or any other state or local law enforcement agency for a purpose authorized by the Marijuana Code or for any other state or local law enforcement purpose.

The video surveillance equipment will, at a minimum, consist of digital or network video recorders, cameras capable of meeting the recording requirements described in the state rules, video monitors, digital archiving devices, and a color printer capable of delivering still photos will be installed on the premises. All video surveillance systems will be equipped with a failure notification system that provides prompt notification to the Licensee of any prolonged surveillance interruption and/or the complete failure of the surveillance system. MRW is responsible for ensuring that all surveillance equipment is properly functioning and maintained, so that the playback quality is suitable for viewing and the surveillance equipment is capturing the identity of all individuals and activities in the monitored areas. All video surveillance equipment will have sufficient battery backup to support a minimum of four hours of recording in the event of a power outage. Licensee will notify the Division of any loss of video surveillance capabilities that extend beyond four hours.

Placement of Cameras

Cameras will cover all required areas identified as Restricted Access Areas or

Limited Access Areas, point-of-sale areas, security rooms, all points of ingress and egress to Limited Access Areas, and all points of ingress and egress to the exterior of the Licensed Premises. Camera placement will be capable of identifying activity occurring within 20 feet of all points of ingress and egress and shall allow for the clear and certain identification of any individual and activities on the Licensed Premises. All entrances and exits to the facility will be recorded from both indoor and outdoor vantage points. The system will be capable of recording all pre-determined surveillance areas in any lighting conditions. Areas where Regulated Marijuana is grown, tested, cured, or stored will have camera placement in the room facing the primary entry door at a height which will provide a clear unobstructed view of activity without sight blockage from lighting hoods, fixtures, or other equipment. Cameras will be placed at each location where weighing, packaging, transport preparation, processing, or tagging activities occur. At least one camera will be dedicated to record the access points to the secured surveillance recording area.

Security Room

The surveillance room or surveillance area is a Limited Access Area. Surveillance recording equipment will be housed in a designated, locked, and secured room or other enclosure with access limited to authorized employees, agents of the Division, and the relevant Local Licensing Authority or Local Jurisdiction, state or local law enforcement agencies for a purpose authorized by the Marijuana Code or for any other state or local law enforcement purpose, and service personnel or contractors.

MRW will keep a current list of all authorized employees and service personnel who have access to the surveillance system and/or room on the Licensed Premises. MRW will keep a surveillance equipment maintenance activity log on the Licensed Premises to record all service activity including the identity of the individual(s) performing the service, the service date and time and the reason for service to the surveillance system.

The Licensed Premises will combine both Medical Marijuana Business and a Retail Marijuana Business will have one central surveillance room located at the shared Licensed Premises. All camera views of all Limited Access Areas will be continuously recorded 24 hours a day. All surveillance recordings will be kept for a minimum of 40 days and be in a format that can be easily accessed for viewing. Video recordings must be archived in a format that ensures authentication of the recording as legitimately -captured video and guarantees that no alteration of the recorded image has taken place. MRW's surveillance system or equipment will have the capabilities to produce a color still photograph from any camera image, live or recorded, of the areas identified in this Rule 3-225(C). The date and time will be embedded on all surveillance recordings without significantly obscuring the picture. Time will be measured in accordance with the official United States time established by the National Institute of Standards and Technology and the U.S. Naval Observatory at: <http://www.time.gov/timezone.cgi?Mountain/d/-7/java>. After the 40 day surveillance video retention schedule has lapsed, surveillance video recordings will be erased or destroyed.

Signage

All areas of ingress and egress to Limited Access Areas on the Licensed Premises shall be clearly identified by the posting of a sign which shall be not less than 12 inches wide and 12 inches long, composed of letters not less than a half inch in height, which shall state, "Do Not Enter - Limited Access Area – Access Limited to Licensed Personnel and Escorted Visitors." MRW comply that signs are conspicuously placed immediately within an exterior entrance that is locked against public entry and only accessible to limited, licensed personnel and escorted visitors. MRW will post all signage at the entrance to the property in the North West region visible from the parking area and entrance area.

Insurance

MRW will maintain comprehensive general liability insurance.

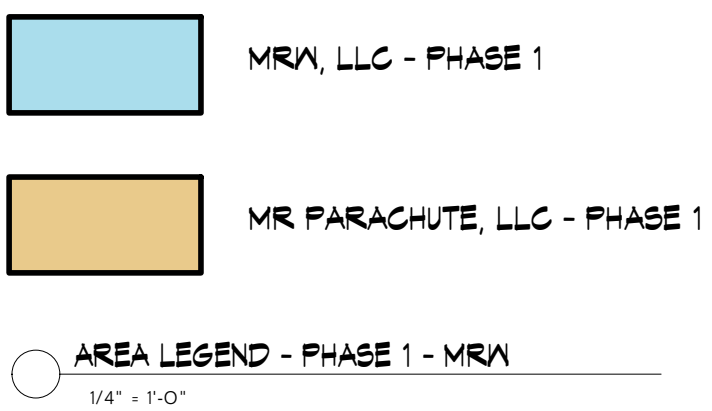
LOCATION

Zoning

Upon review of this application MRW will have approval from the Parachute Town Council to operate a medical marijuana cultivation and retail marijuana cultivation on the designated property zoned limited industrial that is compliant with the zoning and land use laws.



PARCEL DIAGRAM - LINDAUER



SITE DIAGRAM NOTES	
NO.	NOTE
S01	HOOPHOUSES 30' x 96'
S02	NEW INTERNAL ACCESS ROADWAY AND UTILITY CORRIDOR
S03	2500 GALLON NUTRIENT TANKS
S04	8 X 40 CONTAINER
S05	NEW POWER DISTRIBUTION TRANSFORMER BY ELECTRIC UTILITY - FINAL LOCATION TO BE COORDINATED WITH UTILITY PROVIDER
S06	APPROX BOUNDARY OF EXISTING CULTIVATED RANCH LAND
S07	EXISTING DITCH
S08	NEW OFFICE / TOILET FACILITY
S09	PARKING SPACES - 9' X 20'
S10	EXISTING BARN BUILDING
S11	EXISTING BUILDINGS TO REMAIN
S12	APPROX BOUNDARY OF FENCED LICENSED PREMISES
S13	EXISTING PROP BOUNDARY
S14	APPROX POINT OF GATED ENTRY TO FENCED CULTIVATION AREA
S15	NEW FARM PANT NAT. GAS CONNECTION AT WELLHEAD
S16	8 X 20' SECURITY SHED
S17	8 X 10' TUFF SHED
S18	SCREENED PORTABLE SELF-CONTAINED TOILETS
S19	20' STREAM SETBACK
S20	MODIFY / REMOVE FENCE AS REQUIRED TO ACCOMMODATE EXPANSION THIS PHASE

MAP METHODOLOGY - DISCLAIMER

THIS DIAGRAM IS REPRESENTATIVE OF THE SITE AND MAY CONTAIN INACCURACIES OF SCALE, DIMENSION AND CURRENT ACTUAL LOCATION IN RELATION TO SITE ITEMS SHOWN THIS DRAWING.

THIS DIAGRAM CONSISTS OF PARCEL BOUNDARIES PER BOOKCLIFF SURVEY SERVICES - RIFLE, CO. SITE ITEMS SHOWN (OTHER THAN PARCEL BOUNDARIES) ARE PLACED PER GOOGLE EARTH - SCALE TRANSFORMED TO THIS VIEW. THIS DIAGRAM PROVIDED FOR PLANNING PURPOSES ONLY.

[illegible]

SITE DIAGRAM NOTES	
NO.	NOTE
S01	HOODHOUSES 30' x 96'
S02	NEW INTERNAL ACCESS ROADWAY AND UTILITY CORRIDOR
S03	2500 GALLON NUTRIENT TANKS
S04	8 X 40 CONTAINER
S05	NEW POWER DISTRIBUTION TRANSFORMER BY ELECTRIC UTILITY - FINAL LOCATION TO BE COORDINATED WITH UTILITY PROVIDER
S06	APPROX BOUNDARY OF EXISTING CULTIVATED RANCH LAND
S07	EXISTING DITCH
S08	NEW OFFICE / TOILET FACILITY
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[illegible]



ARCHITECTURE | DESIGN | STRATEGY

01 | 29 | 21

LETTER OF AGENCY

Page 1 of 2

Town of Parachute
222 Grand Valley Way
Parachute, Colorado 81635

Re: Ago Studios — Agent for RFSC, LLC

To Whom It May Concern:

This letter authorizes Chris Green, FAIA of Ago Studios, Inc to represent Howard and Sarah Orona, Ivo and Betty Lindauer and the Ivo and Betty Lindauer Revocable Trust in the Annexation and Zoning Application being made to the Town of Parachute for Garfield County parcels 240912200009, 240912200010, 240911100153 as their agent at 929 County Road 0215, Parachute, Colorado. As our agent Ago Studios, Inc. is authorized to submit documents to The Town of Parachute on our behalf and act as a point of contact for this land use application.

Ago Studios Contact information:

Christopher J. Green, FAIA LEED AP
PO Box 6053
Eagle, CO 81631
Studio Phone: 970.328.9474

Sincerely,

Howard Orona

Sarah Orona

Ivo Lindauer

Betty Lindauer

Ivo and Betty Lindauer Revocable Trust (Sarah Orona)

agostudios.com
studio | 970 | 328 | 9474
PO Box 6053
Eagle, Colorado 81631



ARCHITECTURE | DESIGN | STRATEGY

01 | 25 | 21

LETTER OF AGENCY
Page 2 of 2

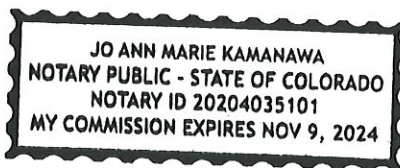
STATE OF COLORADO
COUNTY OF GARFIELD

Subscribed and sworn to before me on this 1st day of February, 2021 by Howard and Sarah Orona.

Signature and Title of Notary

My Commission Expires: 11/9/2024

SEAL



agostudios.com
studio | 970 | 328 | 9474
PO Box 6053
Eagle, Colorado 81631



ARCHITECTURE | DESIGN | STRATEGY

01 | 25 | 21

LETTER OF AGENCY

Town of Parachute
222 Grand Valley Way
Parachute, Colorado 81635

Re: Ago Studios — Agent for RFSC, LLC

To Whom It May Concern:

Ago Studios, Inc. has been retained by the RFSC, LLC as our agent for work related to the Special Review Use Application being submitted on our behalf for a permit for a cannabis cultivation facility at 929 County Road 215, Parachute, Colorado.

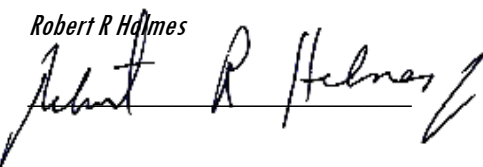
As our agent Ago Studios, Inc. is authorized to submit documents to The Town of Parachute on our behalf and act as a point of contact for this land use application.

Ago Studios Contact information:

Christopher J. Green, FAIA LEED AP
PO Box 6053
Eagle, CO 81631
Studio Phone: 970.328.9474

Sincerely,

Name: *Robert R Holmes*

Signature 

agostudios.com
studio | 970.328.9474
PO Box 6053
Eagle, Colorado 81631



ARCHITECTURE | DESIGN | STRATEGY

02|02|21

LETTER OF AGENCY

Town of Parachute
222 Grand Valley Way
Parachute, Colorado 81635

Re: Ago Studios — Agent for RFSC, LLC

To Whom It May Concern:

Ago Studios, Inc. has been retained by Brandon Richards as my agent for work related to the Special Use Application being submitted on my behalf for a permit for a cannabis cultivation facility at 929 County Road 215, Parachute, Colorado.

As my agent Ago Studios, Inc. is authorized to submit documents to The Town of Parachute on our behalf and act as a point of contact for this land use application.

Ago Studios Contact information:

Christopher J. Green, FAIA LEED AP
PO Box 6053
Eagle, CO 81631
Studio Phone: 970.328.9474

Sincerely,

Name: *Brandon Richards*

Signature

agostudios.com
studio |970|328|9474
PO Box 6053
Eagle, Colorado 81631

Garfield County Treasurer

Statement Of Taxes Due

Account Number R008921
Acres 35.619
Assessed To

Parcel 240912200009

LINDAUER, IVO E & BETTY J
269 LODGEPOLE CIRCLE
PARACHUTE, CO 81635

Legal Description

Section: 12 Township: 7 Range: 96 W2NW4, EXCEPTING ANY PORTION THOSE PARCELS OF LAND BEING DESCRIBED PER REC. NOS. 942484, 930772, 610872, 600446 & 574393 WHICH LIE WITHIN SAID W2NW4. 35.619 ACRES

Situs Address

929 215 COUNTY RD

Year	Tax	Interest	Fees	Payments	Balance
Tax Charge					
2020	\$79.12	\$0.00	\$0.00	(\$79.12)	\$0.00
Total Tax Charge					\$0.00

Grand Total Due as of 01/27/2021 **\$0.00**

Taxes outstanding on child account(s) **\$327.20**

Tax Billed at 2020 Rates for Tax Area 026 - 16-BHFZ - 026

Authority	Mill Levy	Amount	Values	Actual	Assessed
GARFIELD COUNTY	12.2610000	\$18.14	MEADOW HAY LAND-	\$4,890	\$1,420
GARFIELD COUNTY - ROAD & B	0.0870000	\$0.13	AGRICLTRL		
GARFIELD COUNTY - CAPITAL E	0.8710000	\$1.29	WASTE LAND	\$200	\$60
GARFIELD COUNTY - RETIREMEN	0.4360000	\$0.65	Total	\$5,090	\$1,480
GRAND VALLEY FIRE PROTECTIO	6.2330000	\$9.22			
BLUESTONE WATER CONS	0.0060000	\$0.01			
COLO RIVER WATER CONS	0.5020000	\$0.74			
GRAND RIVER HOSPITAL	5.5970000	\$8.28			
GRAND VALLEY CEMETERY	0.0110000	\$0.02			
SCHOOL DIST 16 - GENERAL FU	2.2440000*	\$3.32			
SCHOOL DIST 16 - BOND	9.5980000	\$14.20			
COLORADO MTN COLLEGE	4.0130000	\$5.94			
GRAND RIVER HOSPITAL - BOND	5.3100000	\$7.86			
GARFIELD COUNTY PUBLIC LIBR	2.5050000	\$3.71			
SCHOOL DIST 16 - MILL LEVY	3.7900000	\$5.61			
Taxes Billed 2020	53.4640000	\$79.12			

* Credit Levy

ALL TAX LIEN SALE AMOUNTS ARE SUBJECT TO CHANGE DUE TO ENDORSEMENT OF CURRENT TAXES BY THE LIENHOLDER OR TO ADVERTISING AND DISTRAINT WARRANT FEES. CHANGES MAY OCCUR AND THE TREASURER'S OFFICE WILL NEED TO BE CONTACTED PRIOR TO REMITTANCE AFTER SEPTEMBER 1ST. TAX SALE REDEMPTION AMOUNTS MUST BE PAID BY CASH OR CASHIERS CHECK.

Garfield County Treasurer
P.O. Box 1069
Glenwood Springs, CO 81602-1069
(970) 945-6382



Garfield County Treasurer

Statement Of Taxes Due

Account Number R084536
Acres 36.091
Assessed To

Parcel 240912200010

LINDAUER, IVO E AND BETTY J, JOINT REVOCABLE TRUST
269 LODGEPOLE CIRCLE
PARACHUTE, CO 81635

Legal Description

Section: 12 Township: 7 Range: 96 A PARCEL OF LAND CONT. 36.091 AC. +/-, BEING SITUATE IN THE SWSW OF SECTION 1, NENE OF SECTION 11, AND IN THE W2NW OF SECTION 12 AND BEING MORE PARTICULARLY DESCRIBED PER SPECIAL WARRANTY DEED RECEPTION NO. 942484 36.091 ACRES

Situs Address

929 215 COUNTY RD

Year	Tax	Interest	Fees	Payments	Balance
Tax Charge					
2020	\$327.20	\$0.00	\$0.00	\$0.00	\$327.20
Total Tax Charge					\$327.20
Grand Total Due as of 01/27/2021					\$327.20

Tax Billed at 2020 Rates for Tax Area 026 - 16-BHFZ - 026

Authority	Mill Levy	Amount	Values	Actual	Assessed
GARFIELD COUNTY	12.2610000	\$75.04	MEADOW HAY LAND- AGRICLTRL	\$9,710	\$2,820
GARFIELD COUNTY - ROAD & B	0.0870000	\$0.53	WASTE LAND	\$120	\$30
GARFIELD COUNTY - CAPITAL E	0.8710000	\$5.33	OTHER BLDGS.- AGRICULTURAL	\$11,290	\$3,270
GARFIELD COUNTY - RETIREMEN	0.4360000	\$2.67			
GRAND VALLEY FIRE PROTECTIO	6.2330000	\$38.15	Total	\$21,120	\$6,120
BLUESTONE WATER CONS	0.0060000	\$0.04			
COLO RIVER WATER CONS	0.5020000	\$3.07			
GRAND RIVER HOSPITAL	5.5970000	\$34.25			
GRAND VALLEY CEMETERY	0.0110000	\$0.07			
SCHOOL DIST 16 - GENERAL FU	2.2440000*	\$13.73			
SCHOOL DIST 16 - BOND	9.5980000	\$58.74			
COLORADO MTN COLLEGE	4.0130000	\$24.56			
GRAND RIVER HOSPITAL - BOND	5.3100000	\$32.50			
GARFIELD COUNTY PUBLIC LIBR	2.5050000	\$15.33			
SCHOOL DIST 16 - MILL LEVY	3.7900000	\$23.19			
Taxes Billed 2020	53.4640000	\$327.20			
* Credit Levy					

ALL TAX LIEN SALE AMOUNTS ARE SUBJECT TO CHANGE DUE TO ENDORSEMENT OF CURRENT TAXES BY THE LIENHOLDER OR TO ADVERTISING AND DISTRRAINT WARRANT FEES. CHANGES MAY OCCUR AND THE TREASURER'S OFFICE WILL NEED TO BE CONTACTED PRIOR TO REMITTANCE AFTER SEPTEMBER 1ST. TAX SALE REDEMPTION AMOUNTS MUST BE PAID BY CASH OR CASHIERS CHECK.

Garfield County Treasurer
P.O. Box 1069
Glenwood Springs, CO 81602-1069
(970) 945-6382



Garfield County Treasurer

Statement Of Taxes Due

Account Number R008920
Acres 35.163
Assessed To

Parcel 240911100153

ORONA, SARAH DEL & HOWARD
929 COUNTY ROAD 215
PARACHUTE, CO 81635

Legal Description

Section: 11 Township: 7 Range: 96 A PARCEL OF LAND IN THE SW4SW4 OF SEC. 1, SE4SE4 OF SEC. 2, NE4NE4 OF SEC. 11, AND NW4NW4 OF SEC. 12 35.163 ACRES

Situs Address

215 COUNTY RD

Year	Tax	Interest	Fees	Payments	Balance
Tax Charge					
2020	\$549.36	\$0.00	\$0.00	\$0.00	\$549.36
Total Tax Charge					\$549.36
Grand Total Due as of 01/27/2021					\$549.36

Tax Billed at 2020 Rates for Tax Area 046 - 16-BHFZ - 046

Authority	Mill Levy	Amount	Values	Actual	Assessed
GARFIELD COUNTY	12.2610000	\$117.21	IRRIGATED LAND- AGRICLTRL.	\$12,090	\$3,510
GARFIELD COUNTY - ROAD & B	0.0870000	\$0.83			
GARFIELD COUNTY - CAPITAL E	0.8710000	\$8.33	GRAZING LAND- AGRICULTURAL	\$370	\$110
GARFIELD COUNTY - RETIREMEN	0.4360000	\$4.17			
GRAND VALLEY FIRE PROTECTIO	6.2330000	\$59.59	FARM/RANCH RESIDENCE-IMPS	\$81,900	\$5,860
BLUESTONE WATER CONS	0.0060000	\$0.06	OTHER BLDGS.- AGRICULTURAL	\$270	\$80
COLO RIVER WATER CONS	0.5020000	\$4.80			
GRAND RIVER HOSPITAL	5.5970000	\$53.51	Total	\$94,630	\$9,560
GRAND VALLEY CEMETERY	0.0110000	\$0.11			
SCHOOL DIST 16 - GENERAL FU	2.2440000*	\$21.45			
SCHOOL DIST 16 - BOND	9.5980000	\$91.76			
COLORADO MTN COLLEGE	4.0130000	\$38.36			
GRAND RIVER HOSPITAL - BOND	5.3100000	\$50.76			
PARA/BATTLEMENT PARK& REC	4.0000000	\$38.24			
GARFIELD COUNTY PUBLIC LIBR	2.5050000	\$23.95			
SCHOOL DIST 16 - MILL LEVY	3.7900000	\$36.23			
Taxes Billed 2020	57.4640000	\$549.36			
* Credit Levy					

ALL TAX LIEN SALE AMOUNTS ARE SUBJECT TO CHANGE DUE TO ENDORSEMENT OF CURRENT TAXES BY THE LIENHOLDER OR TO ADVERTISING AND DISTRAINT WARRANT FEES. CHANGES MAY OCCUR AND THE TREASURER'S OFFICE WILL NEED TO BE CONTACTED PRIOR TO REMITTANCE AFTER SEPTEMBER 1ST. TAX SALE REDEMPTION AMOUNTS MUST BE PAID BY CASH OR CASHIERS CHECK.

Garfield County Treasurer
P.O. Box 1069
Glenwood Springs, CO 81602-1069
(970) 945-6382





ARCHITECTURE | DESIGN | STRATEGY

**TOWN OF PARACHUTE
ZONING APPLICATION
NAMES AND ADDRESSES WITHIN 200' OF PROPERTIES**

Information provided by Garfield County for Parcels 240911100153, 240912200009, and 240912200010.

- ALDERSEA, GERHARDT W & SANDRA K - 925 COUNTY ROAD 215 - PARACHUTE, CO 81635
- BUREAU OF LAND MANAGEMENT - 2300 RIVER FRONTAGE ROAD – SILT, CO 81652
- KUERSTEN, AMY L & KEVIN P - 8499 HIGHWAY 6 & 24 - PARACHUTE, CO 81635
- LINDAUER, IVO E & BETTY J - 269 LODGEPOLE CIRCLE – PARACHUTE, CO 81635
- LINDAUER, IVO E AND BETTY J, JOINT REVOC - 269 LODGEPOLE CIRCLE - PARACHUTE, CO 81635
- LINDAUER, SIDNEY AND RUTH FAMILY TRUST - PO BOX 626 – PARACHUTE, CO 81635-0626
- ORONA, SARAH DEL & HOWARD - 929 COUNTY ROAD 215 – PARACHUTE, CO 81635
- PARACHUTE, TOWN OF - 222 GRAND VALLEY WAY – PARACHUTE, CO 81635
- RADER, HAYDEN - PO BOX 686 - GLENWOOD SPRINGS, CO 81602
- RED POINT LLC - 808 COUNTY ROAD 215 – PARACHUTE, CO 81635
- SOLVAY CHEMICALS, INC - 3737 BUFFALO SPEEDWAY, SUITE 800 – HOUSTON, TX 77098
- TEP ROCKY MOUNTAIN LLC - PO BOX 330 – GAINESVILLE, TX 76241
- XTO ENERGY INC - PO BOX 64106 - SPRING TX 77387

LEGAL NOTICE
Town of Parachute Annexation, Zoning and Special Use Applications
March 9, 2021

Pursuant to Town of Parachute noticing requirements, you are being provided with the following notice:

Notice of Annexation, Zoning and Special Use Application – Town of Parachute, Colorado

This action is for annexation, zoning and special use applications for marijuana cultivation facilities at 929 County Road 215 in Parachute, Colorado.

Garfield County Parcel No's.

240912200009: Section: 12 Township: 7 Range: 96 W2NW4, EXCEPTING ANY PORTION THOSE PARCELS OF LAND BEING DESCRIBED PER REC. NOS. 942484, 930772, 610872, 600446 & 574393 WHICH LIE WITHIN SAID W2NW4. 35.619 ACRES

240912200010: Section: 12 Township: 7 Range: 96 A PARCEL OF LAND CONT. 36.091 AC. +/-, BEING SITUATE IN THE SWSW OF SECTION 1, NENE OF SECTION 11, AND IN THE W2NW OF SECTION 12 AND BEING MORE PARTICULARLY DESCRIBED PER SPECIAL WARRANTY DEED RECEPTION NO. 942484 36.091

240911100153: Section: 11 Township: 7 Range: 96 A PARCEL OF LAND IN THE SW4SW4 OF SEC. 1, SE4SE4 OF SEC. 2, NE4NE4 OF SEC.11, AND NW4NW4 OF SEC. 12 35.163 ACRES

Time and place of public hearings:

Planning Commission Meeting:

Thursday, April 8, 2021 6:30 pm

Parachute Town Hall: 222 Grand Valley Way, Parachute, CO 81635

Town Council Meeting: Thursday, April 15, 2021

Parachute Town Hall: 222 Grand Valley Way, Parachute, CO 81635

Further information can be obtained from the Town of Parachute Community Development Department (970) 665-1147, 222 Grand Valley Way, Parachute, CO 81635

7202 0640 0000 6316 9824

U.S. Postal Service™ CERTIFIED MAIL® RECEIPT Domestic Mail Only

For delivery information, visit our website at www.usps.com®.

Spring, TX 77382

Certified Mail Fee \$3.60

Extra Services & Fees (check box, add fee as appropriate)

☐ Return Receipt (hardcopy) \$2.85

☐ Return Receipt (electronic) \$0.00

☐ Certified Mail Restricted Delivery \$0.00

☐ Adult Signature Required \$0.00

☐ Adult Signature Restricted Delivery \$0.00

Postage \$0.55

Total Postage and Fees \$7.00

Sent To XTO ENERGY

Street and Apt. No., or PO Box No.

PO BOX 64106

City, State, ZIP+4®

Spring, TX 77382

PS Form 3800, April 2015 PSN 7530-02-000-9047

See Reverse for Instructions

U.S. Postal Service™ CERTIFIED MAIL® RECEIPT Domestic Mail Only

For delivery information, visit our website at www.usps.com®.

Parachute, CO 81635

Certified Mail Fee \$3.60

Extra Services & Fees (check box, add fee as appropriate)

☐ Return Receipt (hardcopy) \$2.85

☐ Return Receipt (electronic) \$0.00

☐ Certified Mail Restricted Delivery \$0.00

☐ Adult Signature Required \$0.00

☐ Adult Signature Restricted Delivery \$0.00

Postage \$0.55

Total Postage and Fees \$7.00

Sent To TER POINT MTR, LLC

Street and Apt. No., or PO Box No.

PO BOX 390

City, State, ZIP+4®

Parachute, CO 81635

PS Form 3800, April 2015 PSN 7530-02-000-9047

See Reverse for Instructions

7202 0640 0000 6316 9817

7202 0640 0000 6316 9800

U.S. Postal Service™ CERTIFIED MAIL® RECEIPT Domestic Mail Only

For delivery information, visit our website at www.usps.com®.

Houston, TX 77098

Certified Mail Fee \$3.60

Extra Services & Fees (check box, add fee as appropriate)

☐ Return Receipt (hardcopy) \$2.85

☐ Return Receipt (electronic) \$0.00

☐ Certified Mail Restricted Delivery \$0.00

☐ Adult Signature Required \$0.00

☐ Adult Signature Restricted Delivery \$0.00

Postage \$0.55

Total Postage and Fees \$7.00

Sent To SOLVAY CHEMICALS, INC

Street and Apt. No., or PO Box No.

3131 BUFFALO SPEEDWAY

City, State, ZIP+4®

Houston, TX 77098

PS Form 3800, April 2015 PSN 7530-02-000-9047

See Reverse for Instructions

7202 0640 0000 6316 9794

U.S. Postal Service™ CERTIFIED MAIL® RECEIPT Domestic Mail Only

For delivery information, visit our website at www.usps.com®.

Parachute, CO 81635

Certified Mail Fee \$3.60

Extra Services & Fees (check box, add fee as appropriate)

☐ Return Receipt (hardcopy) \$2.85

☐ Return Receipt (electronic) \$0.00

☐ Certified Mail Restricted Delivery \$0.00

☐ Adult Signature Required \$0.00

☐ Adult Signature Restricted Delivery \$0.00

Postage \$0.55

Total Postage and Fees \$7.00

Sent To RED POINT LLC

Street and Apt. No., or PO Box No.

808 COUNTRY ROAD 215

City, State, ZIP+4®

Parachute, CO 81635

PS Form 3800, April 2015 PSN 7530-02-000-9047

See Reverse for Instructions

7202 0640 0000 6316 9770

U.S. Postal Service™ CERTIFIED MAIL® RECEIPT Domestic Mail Only

For delivery information, visit our website at www.usps.com®.

Parachute, CO 81635

Certified Mail Fee \$3.60

Extra Services & Fees (check box, add fee as appropriate)

☐ Return Receipt (hardcopy) \$2.85

☐ Return Receipt (electronic) \$0.00

☐ Certified Mail Restricted Delivery \$0.00

☐ Adult Signature Required \$0.00

☐ Adult Signature Restricted Delivery \$0.00

Postage \$0.55

Total Postage and Fees \$7.00

Sent To TOWN OF PARACHUTE

Street and Apt. No., or PO Box No.

222 GRAND VALLEY WAY

City, State, ZIP+4®

Parachute, CO 81635

PS Form 3800, April 2015 PSN 7530-02-000-9047

See Reverse for Instructions

7202 0640 0000 6316 9787

U.S. Postal Service™ CERTIFIED MAIL® RECEIPT Domestic Mail Only

For delivery information, visit our website at www.usps.com®.

Glenwood Springs, CO 81602

Certified Mail Fee \$3.60

Extra Services & Fees (check box, add fee as appropriate)

☐ Return Receipt (hardcopy) \$2.85

☐ Return Receipt (electronic) \$0.00

☐ Certified Mail Restricted Delivery \$0.00

☐ Adult Signature Required \$0.00

☐ Adult Signature Restricted Delivery \$0.00

Postage \$0.55

Total Postage and Fees \$7.00

Sent To HAREN RADER

Street and Apt. No., or PO Box No.

PO BOX 686

City, State, ZIP+4®

Glenwood Springs, CO 81602

PS Form 3800, April 2015 PSN 7530-02-000-9047

See Reverse for Instructions

7020 0640 0000 6316 9732

U.S. Postal Service™ CERTIFIED MAIL® RECEIPT

Domestic Mail Only

For delivery information, visit our website at www.usps.com®.

Parachute, CO 81635

Certified Mail Fee	\$3.60	0536
Extra Services & Fees (check box, add fee as appropriate)	\$2.85	04
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00	
<input type="checkbox"/> Return Receipt (electronic)	\$0.00	
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00	
<input type="checkbox"/> Adult Signature Required	\$0.00	
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00	

Postage	\$0.55	03/22/2021
Total Postage and Fees	\$7.00	

Sent To **LINDAVER NOE & BETH**
 Street and Apt. No., or PO Box No.
269 LODGEPOLE CIRCLE
 City, State, ZIP+4®
PARACHUTE, CO 81635

PS Form 3800, April 2015 PSN 7530-02-000-9047

See Reverse for Instructions

7020 0640 0000 6316 9701

U.S. Postal Service™ CERTIFIED MAIL® RECEIPT

Domestic Mail Only

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Parachute, CO 81635

Certified Mail Fee	\$3.60	0536
Extra Services & Fees (check box, add fee as appropriate)	\$2.85	04
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00	
<input type="checkbox"/> Return Receipt (electronic)	\$0.00	
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00	
<input type="checkbox"/> Adult Signature Required	\$0.00	
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00	

Postage	\$0.55	03/22/2021
Total Postage and Fees	\$7.00	

Sent To **ANDERSEA GIERHART & SANDRA**
 Street and Apt. No., or PO Box No.
925 COUNTRY RD 215
 City, State, ZIP+4®
PARACHUTE, CO 81635

PS Form 3800, April 2015 PSN 7530-02-000-9047

See Reverse for Instructions

7020 0640 0000 6316 9749

U.S. Postal Service™ CERTIFIED MAIL® RECEIPT

Domestic Mail Only

For delivery information, visit our website at www.usps.com®.

Parachute, CO 81635

Certified Mail Fee	\$3.60	0536
Extra Services & Fees (check box, add fee as appropriate)	\$2.85	04
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00	
<input type="checkbox"/> Return Receipt (electronic)	\$0.00	
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00	
<input type="checkbox"/> Adult Signature Required	\$0.00	
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00	

Postage	\$0.55	03/22/2021
Total Postage and Fees	\$7.00	

Sent To **LINDAVER REV. TRUST.**
 Street and Apt. No., or PO Box No.
269 LODGEPOLE CIRCLE
 City, State, ZIP+4®
PARACHUTE, CO 81635

PS Form 3800, April 2015 PSN 7530-02-000-9047

See Reverse for Instructions

7020 0640 0000 6316 9718

U.S. Postal Service™ CERTIFIED MAIL® RECEIPT

Domestic Mail Only

For delivery information, visit our website at www.usps.com®.

Silt, CO 81652

Certified Mail Fee	\$3.60	0536
Extra Services & Fees (check box, add fee as appropriate)	\$2.85	04
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00	
<input type="checkbox"/> Return Receipt (electronic)	\$0.00	
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00	
<input type="checkbox"/> Adult Signature Required	\$0.00	
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00	

Postage	\$0.55	03/22/2021
Total Postage and Fees	\$7.00	

Sent To **BLM**
 Street and Apt. No., or PO Box No.
2900 RIVER FRONTAGE RD
 City, State, ZIP+4®
SILT, CO 81652

PS Form 3800, April 2015 PSN 7530-02-000-9047

See Reverse for Instructions

7020 0640 0000 6316 9763

U.S. Postal Service™ CERTIFIED MAIL® RECEIPT

Domestic Mail Only

For delivery information, visit our website at www.usps.com®.

Parachute, CO 81635

Certified Mail Fee	\$3.60	0536
Extra Services & Fees (check box, add fee as appropriate)	\$2.85	04
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00	
<input type="checkbox"/> Return Receipt (electronic)	\$0.00	
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00	
<input type="checkbox"/> Adult Signature Required	\$0.00	
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00	

Postage	\$0.55	03/22/2021
Total Postage and Fees	\$7.00	

Sent To **ORONA, SARAH & HOWARD.**
 Street and Apt. No., or PO Box No.
929 COUNTRY RD 215
 City, State, ZIP+4®
PARACHUTE, CO 81635

PS Form 3800, April 2015 PSN 7530-02-000-9047

See Reverse for Instructions

7020 0640 0000 6316 9756

U.S. Postal Service™ CERTIFIED MAIL® RECEIPT

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For delivery information, visit our website at www.usps.com®.

Parachute, CO 81635

Certified Mail Fee	\$3.60	0536
Extra Services & Fees (check box, add fee as appropriate)	\$2.85	04
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00	
<input type="checkbox"/> Return Receipt (electronic)	\$0.00	
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00	
<input type="checkbox"/> Adult Signature Required	\$0.00	
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00	

Postage	\$0.55	03/22/2021
Total Postage and Fees	\$7.00	

Sent To **LINDAVER SIDNEY & BETH FAMILY TRUST**
 Street and Apt. No., or PO Box No.
PO BOX 626
 City, State, ZIP+4®
PARACHUTE, CO 81635-0626

PS Form 3800, April 2015 PSN 7530-02-000-9047

See Reverse for Instructions

7020 0640 0000 6316 9725

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
Domestic Mail Only

For delivery information, visit our website at www.usps.com®.
Parachute, CO 81635

Certified Mail Fee \$3.60
\$2.85
Extra Services & Fees (check box, add fee as appropriate)
☐ Return Receipt (hardcopy) \$0.00
☐ Return Receipt (electronic) \$0.00
☐ Certified Mail Restricted Delivery \$0.00
☐ Adult Signature Required \$0.00
☐ Adult Signature Restricted Delivery \$

Postage \$0.55
\$
Total Postage and Fees \$7.00

0536
04

Postmark
Here

03/22/2021

Sent To KUERSCH AM & KEN
Street and Apt. No., or PO Box No. 8499 Hwy 6424
City, State, ZIP+4® Parachute, CO 81635

PS Form 3800, April 2015 PSN 7530-02-000-9047

See Reverse for Instructions

Notice of Annexation, Zoning and Special Use Application
Town of Parachute, Colorado

Applications have been made to the Town of Parachute for Annexation, Zoning, and Special Use Reviews for Marijuana Cultivation Facilities located at 929 County Rd 215, Parachute, CO 81635

1/6

Notice of Annexation, Zoning and Special Use Application
Town of Parachute, Colorado

Garfield Co. Parcel No. 240912200009
Section: 12 Township: 7 Range: 96 W2NW4, excepting any portion those parcels of land being described per rec. nos. 942484, 930772, 610872, 600446 & 574393 which lie within said W2NW4. 35.619 acres.

2/6

Notice of Annexation, Zoning and Special Use Application
Town of Parachute, Colorado

Garfield Co. Parcel No. 240912200010
Section: 12 Township: 7 Range: 96 a parcel being situate in the SWSW of Section 1, NENE of Section 11 and in the W2NW of Section 12 and being more particularly described per special warranty deed reception no. 942484 36.091 acres.

3/6

Notice of Annexation, Zoning and Special Use Application
Town of Parachute, Colorado

Garfield Co. Parcel No.: 240911100153
Section: 11 Township: 7 Range: 96 A parcel of land in the SW4SW4 of SEC. 1, SE4SE4 of SEC. 2, NE4NE4 of SEC. 11, AND NW4NW4 of SEC. 12 35.163 acres.

4/6

NOTICE OF PUBLIC HEARING

5/5

For further information and for a zoom invite Please visit townofparachute.colorado.gov.

All interested persons may appear at said hearing via zoom.
By order of the Local Licensing Authority.
Town of Parachute
Town Council / Community Development Department (970) 665-1147
222 Grand Valley Way, Parachute, CO 81635

Notice of Annexation, Zoning and Special Use Application
Town of Parachute, Colorado

For further information and for a zoom invite Please visit townofparachute.colorado.gov. All interested persons may appear at said hearing via zoom. By order of the Local Licensing Authority. Town of Parachute Town Council / Community Development Department (970) 665-1147
222 Grand Valley Way, Parachute, CO 81635

NOTICE OF PUBLIC HEARING

1/5

Pursuant to Section 11.100D of the Town of Parachute, Colorado Municipal Code: Notice is hereby given that applications have been made to the local licensing authority of the Town of Parachute, Colorado for new licensing to be authorized for Retail and Medical Marijuana Cultivation Facilities which Permit the cultivation of marijuana on the premise.

NOTICE OF PUBLIC HEARING

2/5

Applicant: RFSCPC-1, LLC
Address of Applicant: 1375 Red Butte Drive, Aspen, CO 81611
Address of proposed Licensed Premise: 929A County Road 215 Parachute, CO 81635
Applicant: RFSCPC-2, LLC
Address of Applicant: 1375 Red Butte Drive, Aspen, CO 81611
Address of proposed Licensed Premise: 929B County Road 215 Parachute, CO 81635

NOTICE OF PUBLIC HEARING

3/5

Applicant: MRW Colorado, LLC
Address of Applicant: 929 F County Road 215 Parachute, CO 81635

Address of proposed Licensed Premise: 929F County Road 215 Parachute, CO 81635

NOTICE OF PUBLIC HEARING

4/5

Applicant: MR Parachute, LLC
Address of Applicant: 929 G County Road 215 Parachute, CO 81635

Address of proposed Licensed Premise: 929G County Road 215 Parachute, CO 81635

Public notice is hereby given that a public hearing will be held on these applications April 15, 2021 at 6:30pm in the Council Chambers in the Parachute Town Hall, and via Zoom for the public.

Notice of Annexation, Zoning and Special Use Application
Town of Parachute, Colorado

Time and place of public hearings:

Planning Commission: April 8, 2021 6:30 pm
Town Council Meeting: April 15, 2021 6:30 pm
222 Grand Valley Way, Parachute, CO 81635
These meetings will be held in the Council Chambers in the Parachute Town Hall, 222 Grand Valley Way, Parachute, CO 81635, and via Zoom for the public.

5/6

Ad #: 0000667977-01
Customer: LEGALS HOUSE ACCOUNT,
Your account number is: 2927005

PROOF OF PUBLICATION
GLENWOOD SPRINGS POST INDEPENDENT
STATE OF COLORADO
COUNTY OF GARFIELD

I, Samantha Johnston, do solemnly swear that I am Associate General Manager of the GLENWOOD SPRINGS POST INDEPENDENT, that the same daily newspaper printed, in whole or in part and published in the County of Garfield, State of Colorado, and has a general circulation therein; that said newspaper has been published continuously and uninterruptedly in said County of Garfield for a period of more than fifty-two consecutive weeks next prior to the first publication of the annexed legal notice or advertisement and that said newspaper has published the requested legal notice and advertisement as requested. The GLENWOOD SPRINGS POST INDEPENDENT is an accepted legal advertising medium, only for jurisdictions operating under Colorado's Home Rule provision.

That the annexed legal notice or advertisement was published in the regular and entire issue of every number of said daily newspaper for the period of 2 insertions; and that the first publication of said notice was in the issue of said newspaper dated 3/22/2021 and that the last publication of said notice was dated 3/24/2021 in the issue of said newspaper.

In witness whereof, I have here unto set my hand this day, 3/30/2021.

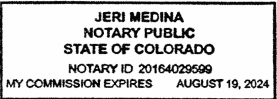


Samantha Johnston, Associate General Manager

Subscribed and sworn to before me, a notary public in and for the County of Garfield, State of Colorado this day 3/30/2021.



Jeri Medina, Notary Public
My Commission Expires: August 19, 2024



Pursuant to Sections 15.02.225 and 6.11.100D of the Town of Parachute, Colorado Municipal Code:

Notice is hereby given that applications have been made for special use approvals for cannabis cultivation to the Town of Parachute and to the local licensing authority of the Town of Parachute, Colorado for new licensing to be authorized for Retail and Medical Marijuana Cultivation Facilities permitting the cultivation of marijuana on parcels located at 929 County Rd 215, Parachute, CO 81635.

Garfield County Parcel No's.

240912200009: Section: 12 Township: 7 Range: 96 W2NW4, EXCEPTING ANY PORTION THOSE PARCELS OF LAND BEING DESCRIBED PER REC. NOS. 942484, 930772, 610872, 600446 & 574393 WHICH LIE WITHIN SAID W2NW4. 35.619 ACRES

240912200010: Section: 12 Township: 7 Range: 96 / PARCEL OF LAND CONT. 36.091 AC. +/-, BEING SITUATE IN THE SWSW OF SECTION 1, NENE OF SECTION 11, AND IN THE W2NW OF SECTION 12 AND BEING MORE PARTICULARLY DESCRIBED PER SPECIAL WARRANTY DEED RECEPTION NO. 942484 36.091

240911100153: Section: 11 Township: 7 Range: 96 / PARCEL OF LAND IN THE SW4SW4 OF SEC. 1, SE4SE4 OF SEC. 2, NE4NE4 OF SEC.11, AND NW4NW4 OF SEC. 12 35.163 ACRES

Special Use Review Applicant: RFSC, LLC
Address of Applicant: 1375 Red Butte Drive, Aspen, CO 81611
Address of proposed Premise: 929 County Road 215, Parachute, CO 81635
Date of Application: February 22, 2021

Marijuana License Applicant: RFSCPC-1, LLC
Address of Applicant: 1375 Red Butte Drive, Aspen, CO 81611
Address of proposed Premise: 929A County Road 215, Parachute, CO 81635
Date of Application: March 11, 2021

Marijuana License Applicant: RFSCPC-2, LLC
Address of Applicant: 1375 Red Butte Drive, Aspen, CO 81611
Address of proposed Premise: 929B County Road 215, Parachute, CO 81635
Date of Application: March 11, 2021

Marijuana License Applicant: MRW Colorado, LLC
Address of Applicant: 0929 F County Road 215, Parachute, Colorado, 81635
Address of proposed Premise: 929 F County Road 215, Parachute, CO 81635
Date of Application: March 15, 2021

Marijuana License Applicant: MR PARACHUTE, LLC
Address of Applicant: 0929 G County Road 215, Parachute, Colorado, 81635
Address of proposed Licensed Premise: 929 G County Road 215, Parachute, CO 81635
Date of Application: March 15, 2021

Public notice is hereby given that public meetings will be held on these applications:
Special Use Review Application:
April 8, 2021 at 6:30pm and April 15, 2021 at 6:30pm
Marijuana License Applications:
April 15, 2021 at 6:30pm

These meetings will be held in the Council Chambers in the Parachute Town Hall, 222 Grand Valley Way, Parachute, CO 81635, and via Zoom for the public. Please visit townofparachute.colorado.gov for zoom invites.

All interested persons may appear at said hearing via zoom.
By order of the Local Licensing Authority
Town of Parachute
Town Council
Community Development Department
(970) 665-1147
222 Grand Valley Way, Parachute, CO 81635

Published in the Glenwood Springs Post Independent March 22 and 24, 2021. 0000667977

**TOWN OF PARACHUTE, COLORADO
PLANNING COMMISSION
RESOLUTION NO. 2021-04-PC**

A RESOLUTION OF THE PLANNING COMMISSION OF THE TOWN OF PARACHUTE, COLORADO, RECOMMENDING THE TOWN COUNCIL APPROVE A SPECIAL USE PERMIT FOR A RETAIL MARIJUANA CULTIVATION FACILITY (LARGE) FOR CERTAIN REAL PROPERTY KNOWN AS THE ORONA ANNEXATION PARCEL PROPOSED TO BE ANNEXED TO THE TOWN PURSUANT TO THE PETITION FOR ANNEXATION FROM HOWARD AND SARAH ORONA, IVO AND BETTY LINDAUER, AND IVO AND BETTY LINDAUER REVOCABLE TRUST.

WHEREAS, on February 2, 2021, Howard and Sarah Orona, Ivo and Betty Lindauer, and the Ivo and Betty Lindauer Revocable Trust (collectively, the “Petitioner”) filed with the Town Clerk of the Town of Parachute, Colorado, a Petition for Annexation (“Petition”), including annexation map, requesting that the Town Council commence proceedings to annex in to the Town of Parachute certain unincorporated tracts of land located in the County of Garfield, State of Colorado, as described in and depicted on **Exhibit A** (the “Annexation Property”), attached hereto and incorporated herein by reference;

WHEREAS, the Annexation Property includes parcels depicted on the Annexation Map as the Orona Annexation Parcel (Garfield County Parcel No. 24091110153), the Lindauer Annexation Parcel 1 (Garfield County Parcel No. 240912200009), and the Lindauer Annexation Parcel 2 (Garfield County Parcel No. 2409122200010);

WHEREAS, as required by the C.R.S. § 31-12-115 and the Parachute Municipal Code (the “Code”), Petitioner filed an application to zone the Annexation Property as Limited Industrial (LI) Zone District;

WHEREAS, further, the Petitioner authorized RFSCP, LLC and MRW, LLC (the “Applicant”) to file an application for a special use permit for an outdoor retail marijuana cultivation facility (large) use with respect to each of the Orona Annexation Parcel, Lindauer Annexation Parcel 1, and Lindauer Annexation Parcel 2 (the “Application”);

WHEREAS, pursuant to the Review Procedures Chart (Table 1.1) at Section 15.01.220 of the Code, an application for special use permit is a two-step review process and the Planning Commission reviews an application and makes a recommendation to the Town Council;

WHEREAS, pursuant to Schedule of Uses contained at Section 15.02.230 of the Code, retail marijuana cultivation facility (large) is a special use in the Limited Industrial (LI) Zone District;

WHEREAS, pursuant Section 15.02.210.A of the Code, uses designated as special uses are contingent uses which may or may not be appropriate in a particular location depending on the nature of the proposed use, its relationship to surrounding land uses and its impact on traffic

capacities, potential environmental effects, compatibility with the neighborhood, and conformance with the comprehensive plan;

WHEREAS, pursuant to Section 15.02.210.C of the Code, in considering an application for special use, the Planning Commission and Town Council shall consider: (1) the compatibility of the use with adjacent uses and adjacent zone districts, as applicable, including the use's potential traffic generation, noise, lighting, parking requirements, and general deleterious effects on such adjacent uses and properties; (2) conformance with the comprehensive plan; and (3) the applicant's history of zoning compliance within the Town;

WHEREAS, pursuant to Section 15.02.210.D of the Code, the Town Council may impose conditions on a special use approval designed to lessen the adverse impacts, if any, of the special use, to protect the health, safety and welfare of Town residents, and to ensure compliance with all other applicable provisions of the Code;

WHEREAS, pursuant to Section 15.01.260 of the Code, a land use approval for a special use shall be 1 year; however, if, within the duration of the approval, no required subsequent application has been filed, or authorized use established or building permit or other development action taken, the approval shall expire, except, for good cause, the granting authority may grant a single extension of the approval for a time period not to exceed the amount of the initial approval's duration;

WHEREAS, pursuant to Section 15.02.210.E of the Code, the Town Council may, in its discretion, specify that the length of the special use approval: (1) be personal to the original applicant, (2) run with the original location for which the permit is approved, or (3) be otherwise transferable, upon such terms and conditions specified by the Town Council; and, in the absence of any specific findings or orders of Town Council concerning the length of an approved special use, the special use approval shall be deemed to be non-transferable and personal to the applicant;

WHEREAS, pursuant to Sections 15.01.420 and 15.01.270.F of the Code, approval of a special use pursuant to PMC Section 15.02.210 shall be considered a site specific development plan, approval of which creates a vested property right for a period of three (3) years, which may be extended where warranted in light of all relevant circumstances, including, but not limited to, the size and phasing of the development, economic cycles, and market conditions;

WHEREAS, a vested property right means the right to undertake and complete development and use of property under the terms and conditions of a site-specific development plan and be governed only by the duly adopted laws and regulations in effect at the time the application is submitted to the Town;

WHEREAS, pursuant to Section 15.01.270.G of the Code, the Town may approve a site-specific development plan upon such terms and conditions as may reasonably be necessary to protect the public health, safety and welfare, and failure to abide by such terms and conditions may, at the option of the Town Board, after public hearing, result in the forfeiture of vested property rights; and

WHEREAS, the Planning Commission of the Town of Parachute reviewed the Application at a public meeting, finds the Application in conformance with the review criteria set forth in Section 15.02.210.C as it relates to the retail marijuana cultivation facility (large) use, and recommends the Town Council approve of the Application for a special use permit for retail marijuana cultivation facility (large), subject to the conditions set forth in **Exhibit B**, which is incorporated herein (the “Conditions”).

NOW THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION OF THE TOWN OF PARACHUTE, COLORADO THAT:

Section 1. Recitals. The Town incorporates the foregoing recitals as findings by the Town Council.

Section 2. Recommendation. With respect to the Orona Annexation Parcel, the Planning Commission hereby recommends the Town Council approve the Applicant’s Application and approve/issue a special use permit for retail marijuana cultivation facility (large) use on the Orona Annexation Parcel, subject to the conditions set forth on **Exhibit B**.

SO RESOLVED by a vote a vote of ____ to ____, of the Planning Commission of the Town of Parachute at a regular meeting held at Town Hall in the Town of Parachute, Colorado, on the ____ day of _____, 2021.

**PLANNING COMMISSION OF THE
TOWN OF PARACHUTE, COLORADO**

By _____
Chair

ATTEST:

Lucy Spalenka, Town Clerk

EXHIBIT A
(Annexation Map)

EXHIBIT B
(Conditions)

1. The special use permit shall only be effective in the event the Town Council approves the annexation of the Annexation Property and zoning of the Annexation Property property as Limited Industrial (LI) Zone District.
2. Any further development of any of the Annexation Property shall require compliance with all applicable requirements of the Parachute Municipal Code ("PMC" or "Code"), including, but not limited to, schedule of uses, zone district standard, supplemental standards, subdivision regulations, land dedication requirements, and side design and layout requirements.
3. The property owner may continue using the remaining portion of the Annexation Property for uses currently used such as single-family residential and hunting uses as allowed within unincorporated Garfield County until such time the property further develops or otherwise as restricted by Article 15.02 of the Code, as more specifically set forth in the Annexation Agreement for the Annexation Property.
4. A six-foot (6') high screened fence that meets Code standards shall enclose that section of the Property that is proposed for active use for the marijuana cultivation uses (building and refuse area) as shown on the Application.
5. All proposed fences shall obtain permits through the Town of Parachute as required and meet the standards set forth in Section 15.04.175 of PMC prior to installation.
6. All utility installation and hook ups shall obtain property building permits through the Town of Parachute Building Department.
7. All site lighting shall meet the standards set forth in Section 15.04.180 of PMC
8. Prior to placing the Annexation Property to any marijuana use, Applicant or Applicant's operating tenant shall be required to obtain the necessary retail marijuana license under Chapter. 6.11 of the Code.
9. All use of the site shall conform to adopted Fire Codes applicable to the Town of Parachute and recommendations on emergency access and other appropriate safety measures as suggested by the Grand Valley Fire Protection District and the Town of Parachute Police Department.
10. A resolution approving the Application shall be recorded in the public records of Garfield County.
11. Applicant shall reimburse the Town for any and all fees, including consulting costs and attorney fees, incurred in the review of the Application.

12. Applicant shall indemnify and hold the Town harmless from any and all claims against or losses of any nature whatsoever incurred by the Town arising under or resulting from development of the Property.
13. All representations of the Applicant made in the Application and in statements during the public meeting before the Planning Commission and public hearing before Town Council, either in writing, orally, or reflected in the minutes, shall be considered conditions of approval with which the Applicant shall comply.

ACKNOWLEDGED AND ACCEPTED

Applicant

**TOWN OF PARACHUTE, COLORADO
PLANNING COMMISSION
RESOLUTION NO. 2021-05-PC**

A RESOLUTION OF THE PLANNING COMMISSION OF THE TOWN OF PARACHUTE, COLORADO, RECOMMENDING THE TOWN COUNCIL APPROVE A SPECIAL USE PERMIT FOR A RETAIL MARIJUANA CULTIVATION FACILITY (LARGE) FOR CERTAIN REAL PROPERTY KNOWN AS THE LINDAUER ANNEXATION PARCEL 1 PROPOSED TO BE ANNEXED TO THE TOWN PURSUANT TO THE PETITION FOR ANNEXATION FROM HOWARD AND SARAH ORONA, IVO AND BETTY LINDAUER, AND IVO AND BETTY LINDAUER REVOCABLE TRUST.

WHEREAS, on February 2, 2021, Howard and Sarah Orona, Ivo and Betty Lindauer, and the Ivo and Betty Lindauer Revocable Trust (collectively, the “Petitioner”) filed with the Town Clerk of the Town of Parachute, Colorado, a Petition for Annexation (“Petition”), including annexation map, requesting that the Town Council commence proceedings to annex in to the Town of Parachute certain unincorporated tracts of land located in the County of Garfield, State of Colorado, as described in and depicted on **Exhibit A** (the “Annexation Property”), attached hereto and incorporated herein by reference;

WHEREAS, the Annexation Property includes parcels depicted on the Annexation Map as the Orona Annexation Parcel (Garfield County Parcel No. 24091110153), the Lindauer Annexation Parcel 1 (Garfield County Parcel No. 240912200009), and the Lindauer Annexation Parcel 2 (Garfield County Parcel No. 2409122200010);

WHEREAS, as required by the C.R.S. § 31-12-115 and the Parachute Municipal Code (the “Code”), Petitioner filed an application to zone the Annexation Property as Limited Industrial (LI) Zone District;

WHEREAS, further, the Petitioner authorized RFSCP, LLC and MRW, LLC (the “Applicant”) to file an application for a special use permit for an outdoor retail marijuana cultivation facility (large) use with respect to each of the Orona Annexation Parcel, Lindauer Annexation Parcel 1, and Lindauer Annexation Parcel 2 (the “Application”);

WHEREAS, pursuant to the Review Procedures Chart (Table 1.1) at Section 15.01.220 of the Code, an application for special use permit is a two-step review process and the Planning Commission reviews an application and makes a recommendation to the Town Council;

WHEREAS, pursuant to Schedule of Uses contained at Section 15.02.230 of the Code, retail marijuana cultivation facility (large) is a special use in the Limited Industrial (LI) Zone District;

WHEREAS, pursuant Section 15.02.210.A of the Code, uses designated as special uses are contingent uses which may or may not be appropriate in a particular location depending on the nature of the proposed use, its relationship to surrounding land uses and its impact on traffic

capacities, potential environmental effects, compatibility with the neighborhood, and conformance with the comprehensive plan;

WHEREAS, pursuant to Section 15.02.210.C of the Code, in considering an application for special use, the Planning Commission and Town Council shall consider: (1) the compatibility of the use with adjacent uses and adjacent zone districts, as applicable, including the use's potential traffic generation, noise, lighting, parking requirements, and general deleterious effects on such adjacent uses and properties; (2) conformance with the comprehensive plan; and (3) the applicant's history of zoning compliance within the Town;

WHEREAS, pursuant to Section 15.02.210.D of the Code, the Town Council may impose conditions on a special use approval designed to lessen the adverse impacts, if any, of the special use, to protect the health, safety and welfare of Town residents, and to ensure compliance with all other applicable provisions of the Code;

WHEREAS, pursuant to Section 15.01.260 of the Code, a land use approval for a special use shall be 1 year; however, if, within the duration of the approval, no required subsequent application has been filed, or authorized use established or building permit or other development action taken, the approval shall expire, except, for good cause, the granting authority may grant a single extension of the approval for a time period not to exceed the amount of the initial approval's duration;

WHEREAS, pursuant to Section 15.02.210.E of the Code, the Town Council may, in its discretion, specify that the length of the special use approval: (1) be personal to the original applicant, (2) run with the original location for which the permit is approved, or (3) be otherwise transferable, upon such terms and conditions specified by the Town Council; and, in the absence of any specific findings or orders of Town Council concerning the length of an approved special use, the special use approval shall be deemed to be non-transferable and personal to the applicant;

WHEREAS, pursuant to Sections 15.01.420 and 15.01.270.F of the Code, approval of a special use pursuant to PMC Section 15.02.210 shall be considered a site specific development plan, approval of which creates a vested property right for a period of three (3) years, which may be extended where warranted in light of all relevant circumstances, including, but not limited to, the size and phasing of the development, economic cycles, and market conditions;

WHEREAS, a vested property right means the right to undertake and complete development and use of property under the terms and conditions of a site-specific development plan and be governed only by the duly adopted laws and regulations in effect at the time the application is submitted to the Town;

WHEREAS, pursuant to Section 15.01.270.G of the Code, the Town may approve a site-specific development plan upon such terms and conditions as may reasonably be necessary to

protect the public health, safety and welfare, and failure to abide by such terms and conditions may, at the option of the Town Board, after public hearing, result in the forfeiture of vested property rights; and

WHEREAS, the Planning Commission of the Town of Parachute reviewed the Application at a public meeting, finds the Application in conformance with the review criteria set forth in Section 15.02.210.C as it relates to the retail marijuana cultivation facility (large) use, and recommends the Town Council approve of the Application for a special use permit for retail marijuana cultivation facility (large), subject to the conditions set forth in **Exhibit B**, which is incorporated herein (the “Conditions”).

NOW THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION OF THE TOWN OF PARACHUTE, COLORADO THAT:

Section 1. Recitals. The Town incorporates the foregoing recitals as findings by the Town Council.

Section 2. Recommendation. With respect to the Lindauer Annexation Parcel 1, the Planning Commission hereby recommends the Town Council approve the Applicant’s Application and approve/issue a special use permit for retail marijuana cultivation facility (large) use on the Lindauer Annexation Parcel 1, subject to the conditions set forth on **Exhibit B**.

SO RESOLVED by a vote a vote of ____ to ____, of the Planning Commission of the Town of Parachute at a regular meeting held at Town Hall in the Town of Parachute, Colorado, on the ____ day of _____, 2021.

**PLANNING COMMISSION OF THE
TOWN OF PARACHUTE, COLORADO**

By _____
Chair

ATTEST:

Lucy Spalenka, Town Clerk

EXHIBIT A
(Annexation Map)

EXHIBIT B
(Conditions)

1. The special use permit shall only be effective in the event the Town Council approves the annexation of the Annexation Property and zoning of the Annexation Property property as Limited Industrial (LI) Zone District.
2. Any further development of any of the Annexation Property shall require compliance with all applicable requirements of the Parachute Municipal Code ("PMC" or "Code"), including, but not limited to, schedule of uses, zone district standard, supplemental standards, subdivision regulations, land dedication requirements, and side design and layout requirements.
3. The property owner may continue using the remaining portion of the Annexation Property for uses currently used such as single-family residential and hunting uses as allowed within unincorporated Garfield County until such time the property further develops or otherwise as restricted by Article 15.02 of the Code, as more specifically set forth in the Annexation Agreement for the Annexation Property.
4. A six-foot (6') high screened fence that meets Code standards shall enclose that section of the Property that is proposed for active use for the marijuana cultivation uses (building and refuse area) as shown on the Application.
5. All proposed fences shall obtain permits through the Town of Parachute as required and meet the standards set forth in Section 15.04.175 of PMC prior to installation.
6. All utility installation and hook ups shall obtain property building permits through the Town of Parachute Building Department.
7. All site lighting shall meet the standards set forth in Section 15.04.180 of PMC
8. Prior to placing the Annexation Property to any marijuana use, Applicant or Applicant's operating tenant shall be required to obtain the necessary retail marijuana license under Chapter. 6.11 of the Code.
9. All use of the site shall conform to adopted Fire Codes applicable to the Town of Parachute and recommendations on emergency access and other appropriate safety measures as suggested by the Grand Valley Fire Protection District and the Town of Parachute Police Department.
10. A resolution approving the Application shall be recorded in the public records of Garfield County.
11. Applicant shall reimburse the Town for any and all fees, including consulting costs and attorney fees, incurred in the review of the Application.

12. Applicant shall indemnify and hold the Town harmless from any and all claims against or losses of any nature whatsoever incurred by the Town arising under or resulting from development of the Property.
13. All representations of the Applicant made in the Application and in statements during the public meeting before the Planning Commission and public hearing before Town Council, either in writing, orally, or reflected in the minutes, shall be considered conditions of approval with which the Applicant shall comply.

ACKNOWLEDGED AND ACCEPTED

Applicant

**TOWN OF PARACHUTE, COLORADO
PLANNING COMMISSION
RESOLUTION NO. 2021-06-PC**

A RESOLUTION OF THE PLANNING COMMISSION OF THE TOWN OF PARACHUTE, COLORADO, RECOMMENDING THE TOWN COUNCIL APPROVE A SPECIAL USE PERMIT FOR A RETAIL MARIJUANA CULTIVATION FACILITY (LARGE) FOR CERTAIN REAL PROPERTY KNOWN AS THE LINDAUER ANNEXATION PARCEL 2 PROPOSED TO BE ANNEXED TO THE TOWN PURSUANT TO THE PETITION FOR ANNEXATION FROM HOWARD AND SARAH ORONA, IVO AND BETTY LINDAUER, AND IVO AND BETTY LINDAUER REVOCABLE TRUST.

WHEREAS, on February 2, 2021, Howard and Sarah Orona, Ivo and Betty Lindauer, and the Ivo and Betty Lindauer Revocable Trust (collectively, the “Petitioner”) filed with the Town Clerk of the Town of Parachute, Colorado, a Petition for Annexation (“Petition”), including annexation map, requesting that the Town Council commence proceedings to annex in to the Town of Parachute certain unincorporated tracts of land located in the County of Garfield, State of Colorado, as described in and depicted on **Exhibit A** (the “Annexation Property”), attached hereto and incorporated herein by reference;

WHEREAS, the Annexation Property includes parcels depicted on the Annexation Map as the Orona Annexation Parcel (Garfield County Parcel No. 24091110153), the Lindauer Annexation Parcel 1 (Garfield County Parcel No. 240912200009), and the Lindauer Annexation Parcel 2 (Garfield County Parcel No. 2409122200010);

WHEREAS, as required by the C.R.S. § 31-12-115 and the Parachute Municipal Code (the “Code”), Petitioner filed an application to zone the Annexation Property as Limited Industrial (LI) Zone District;

WHEREAS, further, the Petitioner authorized RFSCP, LLC and MRW, LLC (the “Applicant”) to file an application for a special use permit for an outdoor retail marijuana cultivation facility (large) use with respect to each of the Orona Annexation Parcel, Lindauer Annexation Parcel 1, and Lindauer Annexation Parcel 2 (the “Application”);

WHEREAS, pursuant to the Review Procedures Chart (Table 1.1) at Section 15.01.220 of the Code, an application for special use permit is a two-step review process and the Planning Commission reviews an application and makes a recommendation to the Town Council;

WHEREAS, pursuant to Schedule of Uses contained at Section 15.02.230 of the Code, retail marijuana cultivation facility (large) is a special use in the Limited Industrial (LI) Zone District;

WHEREAS, pursuant Section 15.02.210.A of the Code, uses designated as special uses are contingent uses which may or may not be appropriate in a particular location depending on the nature of the proposed use, its relationship to surrounding land uses and its impact on traffic

capacities, potential environmental effects, compatibility with the neighborhood, and conformance with the comprehensive plan;

WHEREAS, pursuant to Section 15.02.210.C of the Code, in considering an application for special use, the Planning Commission and Town Council shall consider: (1) the compatibility of the use with adjacent uses and adjacent zone districts, as applicable, including the use's potential traffic generation, noise, lighting, parking requirements, and general deleterious effects on such adjacent uses and properties; (2) conformance with the comprehensive plan; and (3) the applicant's history of zoning compliance within the Town;

WHEREAS, pursuant to Section 15.02.210.D of the Code, the Town Council may impose conditions on a special use approval designed to lessen the adverse impacts, if any, of the special use, to protect the health, safety and welfare of Town residents, and to ensure compliance with all other applicable provisions of the Code;

WHEREAS, pursuant to Section 15.01.260 of the Code, a land use approval for a special use shall be 1 year; however, if, within the duration of the approval, no required subsequent application has been filed, or authorized use established or building permit or other development action taken, the approval shall expire, except, for good cause, the granting authority may grant a single extension of the approval for a time period not to exceed the amount of the initial approval's duration;

WHEREAS, pursuant to Section 15.02.210.E of the Code, the Town Council may, in its discretion, specify that the length of the special use approval: (1) be personal to the original applicant, (2) run with the original location for which the permit is approved, or (3) be otherwise transferable, upon such terms and conditions specified by the Town Council; and, in the absence of any specific findings or orders of Town Council concerning the length of an approved special use, the special use approval shall be deemed to be non-transferable and personal to the applicant;

WHEREAS, pursuant to Sections 15.01.420 and 15.01.270.F of the Code, approval of a special use pursuant to PMC Section 15.02.210 shall be considered a site specific development plan, approval of which creates a vested property right for a period of three (3) years, which may be extended where warranted in light of all relevant circumstances, including, but not limited to, the size and phasing of the development, economic cycles, and market conditions;

WHEREAS, a vested property right means the right to undertake and complete development and use of property under the terms and conditions of a site-specific development plan and be governed only by the duly adopted laws and regulations in effect at the time the application is submitted to the Town;

WHEREAS, pursuant to Section 15.01.270.G of the Code, the Town may approve a site-specific development plan upon such terms and conditions as may reasonably be necessary to

protect the public health, safety and welfare, and failure to abide by such terms and conditions may, at the option of the Town Board, after public hearing, result in the forfeiture of vested property rights; and

WHEREAS, the Planning Commission of the Town of Parachute reviewed the Application at a public meeting, finds the Application in conformance with the review criteria set forth in Section 15.02.210.C as it relates to the retail marijuana cultivation facility (large) use, and recommends the Town Council approve of the Application for a special use permit for retail marijuana cultivation facility (large), subject to the conditions set forth in **Exhibit B**, which is incorporated herein (the “Conditions”).

NOW THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION OF THE TOWN OF PARACHUTE, COLORADO THAT:

Section 1. Recitals. The Town incorporates the foregoing recitals as findings by the Town Council.

Section 2. Recommendation. With respect to the Lindauer Annexation Parcel 2, the Planning Commission hereby recommends the Town Council approve the Applicant’s Application and approve/issue a special use permit for retail marijuana cultivation facility (large) use on the Lindauer Annexation Parcel 2, subject to the conditions set forth on **Exhibit B**.

SO RESOLVED by a vote a vote of ____ to ____, of the Planning Commission of the Town of Parachute at a regular meeting held at Town Hall in the Town of Parachute, Colorado, on the ____ day of _____, 2021.

**PLANNING COMMISSION OF THE
TOWN OF PARACHUTE, COLORADO**

By _____
Chair

ATTEST:

Lucy Spalenka, Town Clerk

EXHIBIT A
(Annexation Map)

EXHIBIT B
(Conditions)

1. The special use permit shall only be effective in the event the Town Council approves the annexation of the Annexation Property and zoning of the Annexation Property property as Limited Industrial (LI) Zone District.
2. Any further development of any of the Annexation Property shall require compliance with all applicable requirements of the Parachute Municipal Code ("PMC" or "Code"), including, but not limited to, schedule of uses, zone district standard, supplemental standards, subdivision regulations, land dedication requirements, and side design and layout requirements.
3. The property owner may continue using the remaining portion of the Annexation Property for uses currently used such as single-family residential and hunting uses as allowed within unincorporated Garfield County until such time the property further develops or otherwise as restricted by Article 15.02 of the Code, as more specifically set forth in the Annexation Agreement for the Annexation Property.
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7. All site lighting shall meet the standards set forth in Section 15.04.180 of PMC
8. Prior to placing the Annexation Property to any marijuana use, Applicant or Applicant's operating tenant shall be required to obtain the necessary retail marijuana license under Chapter. 6.11 of the Code.
9. All use of the site shall conform to adopted Fire Codes applicable to the Town of Parachute and recommendations on emergency access and other appropriate safety measures as suggested by the Grand Valley Fire Protection District and the Town of Parachute Police Department.
10. A resolution approving the Application shall be recorded in the public records of Garfield County.
11. Applicant shall reimburse the Town for any and all fees, including consulting costs and attorney fees, incurred in the review of the Application.

12. Applicant shall indemnify and hold the Town harmless from any and all claims against or losses of any nature whatsoever incurred by the Town arising under or resulting from development of the Property.
13. All representations of the Applicant made in the Application and in statements during the public meeting before the Planning Commission and public hearing before Town Council, either in writing, orally, or reflected in the minutes, shall be considered conditions of approval with which the Applicant shall comply.

ACKNOWLEDGED AND ACCEPTED

Applicant